REQUEST FOR BOARD ACTION

HENDERSON COUNTY

ZONING BOARD OF ADJUSTMENT

MEETING: August 30, 2017

SUBJECT: Special Use Permit for Multifamily Dwelling and Recreational Vehicle Park

PRESENTER: Toby Linville

ATTACHMENTS: Staff Report

SUMMARY OF REQUEST:

Special Use Permit application for Multifamily Dwellings and Recreational Vehicle Park inside a major subdivision.

SUMMARY OF REQUEST:

The applicant is requesting a Special Use Permit to allow the use of this property for Multifamily and RV Park.

Staff requests that the ZBA review the application and make a decision based on evidence presented for this project.

Suggested Motion:

I move to approve/deny SUP-17-03 for John Turchin Companies with the following conditions:

Meet requirements of SR 1.6 Dwelling, Multifamily, Five or more units and SR 4.15. Recreational Vehicle Park

The use will:

- a) Not materially endanger the public health, safety or welfare;
- b) Not substantially injure the value of the property or improvements in the area; and
- c) Be in harmony with the surrounding area.



Henderson County, North Carolina Code Enforcement Services

1. Committee Request

1. Applicant: John Turchin Companies

2. Request: Major Site Plan Approval-Special Use Permit

3. PIN: 9529838232, 9539037259, 9529916743

4. Size: 232.23 acres +/-

5. **Location:** The subject area is located on McKinney Road in Etowah. The northern boundary of the site runs parallel to the French Broad River.

6. Supplemental Requirements:

SR 1.6. Dwelling, Multifamily, Five (5) or More Units

(1) Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review).

(2) Multifamily dwellings of five (5) or more units:

a. May be developed in phases.

b. Shall have a minimum spacing between *buildings* of 20 feet, with an additional one (1) foot of separation for each one (1) foot of *building* height in excess of 30 feet.

c. Shall have a maximum building length of 150 feet.

d. May increase the building height to 50 feet where a B1 *Buffer* is provided as detailed in §42-168 (Buffer Determination).

e. Shall be required pervious pavement for a minimum of 25 percent of all paved surfaces (*roads*, parking areas, drives, sidewalks, etc.).

f. Shall adhere to the *road* standards required for a *major subdivision* in accordance with Article III, Subdivision Regulations, and shall be organized:

- 1. To provide increased internal mobility;
- 2. To provide safe and convenient access;

3. In intersecting/grid patterns where possible; and

4. Without cul-de-sacs (except where topographical considerations/ restrictions are submitted by the applicant).

g. Shall have subsurface utilities.

- (3) Where a multifamily dwelling of five (5) or more units development is located along any *road* with current public transit access and such public transit authority approves the addition of a stop, such development shall provide a minimum of one (1) public transit access shelter for the *use* of occupants/patrons.
- (4) Solid Waste Collection. Solid waste collection systems must be installed and/or operated to meet all local and state statutes, ordinances and regulations and shall thereafter be certified by the Department of Public Health. Each development shall provide a suitable method of solid waste disposal (in accordance with Chapter 95 of the Henderson County Code, *Solid Waste*) and collection consisting of either private collection from individual *uses* or the *use* of dumpsters. Where dumpsters are used concrete pads shall be designed to drain to a bio-retention area to filter *stormwater* before the water reaches a larger drainage system, and Screen Class One (1), Two (2), or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (5) Open Space. *Open space* shall be provided in perpetuity (perpetual *easements* or deed restrictions are required) equivalent to 20 percent of all lands within the development. This designated *open space* area shall not:
- a. Include more than 50 percent in primary conservation areas; and

b. Be composed entirely of secondary conservation areas.

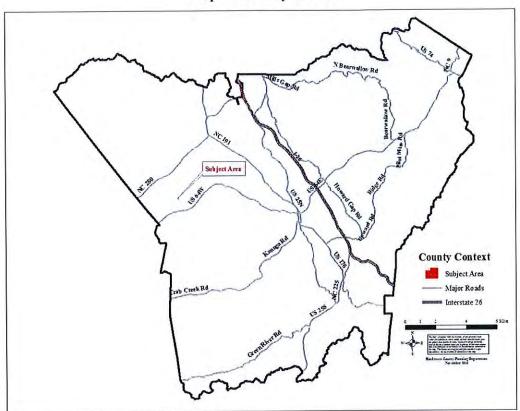
(6) Common Area Requirements. A *common area* shall be provided that is equivalent to 10 percent of the total area. *Common area* shall be accessible for the *use* and enjoyment of the multifamily occupants/patrons, located as to be free of traffic hazards and maintained in good condition by the *applicant*.

- (7) Other Requirements. Due to the comprehensive nature of a multifamily project, there are several sections that must be consulted. Please refer to the following sections for more information on each facet of a multifamily project.
- a. See Article III for information on *road* design and construction standards, pedestrian facility standards, water and sewer requirements, and *fire protection*.
- b. See Article IV for traffic impact study and emergency services impact report requirements.
- c. See Article V for landscaping and buffering requirements.
- d. See Article VI for off-street parking and loading requirements.
- e. See §42-63 (Supplemental Requirements) for each land use.
- f. See Article VII for sign requirements.
- g. See Article XI for permitting procedures.

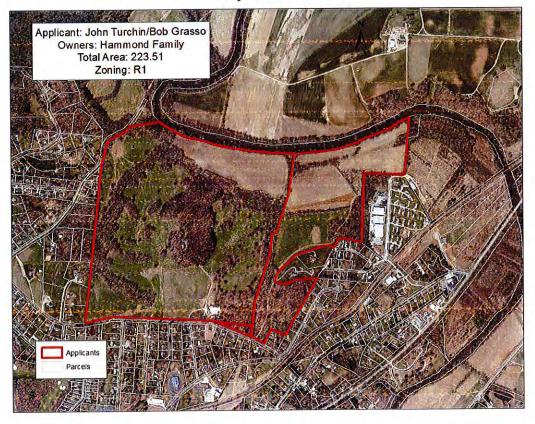
SR 4.15. Recreational Vehicle Park

- (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 ing 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: County Context

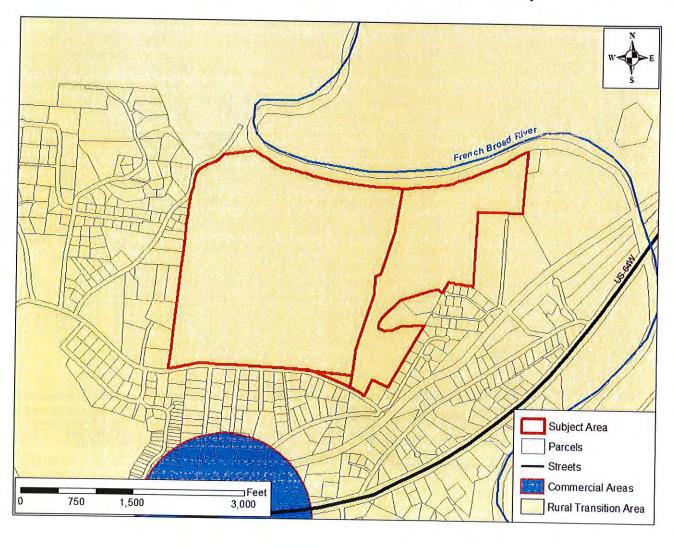


Map B: Aerial



- 2. Henderson County 2020 Comprehensive Plan (CCP). The Future Land Use Map of the CCP shows the Subject Area as being located within the Rural Transition Area (See Map B: CCP Future Land Use Map).
 - (a) Rural Transition Area: The CCP states that, "The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The text of the 2020 CCP suggests that the subject area would be suitable for clustering development and conservation design encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development. (2020 CCP, Pg. 134).

Map C: County Comprehensive Plan Future Land Use Map



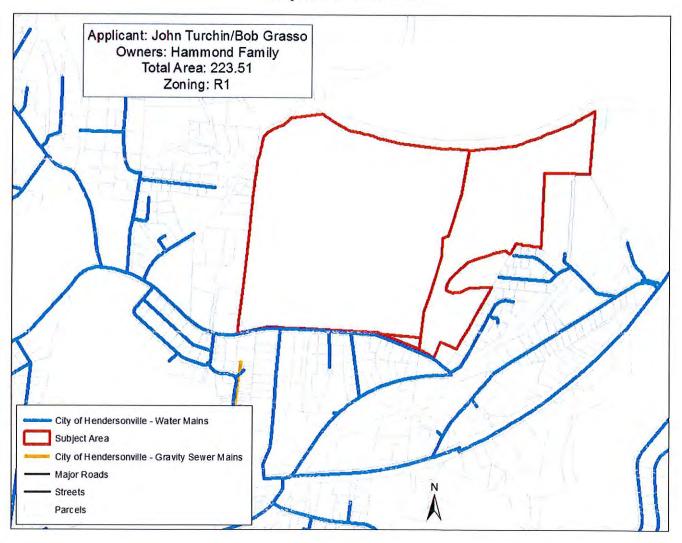
3. Chapter 42A, Henderson County Land Development Code (LDC). According to Chapter 42A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed subdivision is located within the RI zoning district. (See Map C: Official Zoning Map). The applicant is proposing 299 units with 3 outparcels.

R1 Subject Area Parcels Residential 4 Residential 3 Residential 2 Residential 1 R-40 WR SW 180 Local Commercial Community Commercial Regional Commercial industrial Feet Cities 2,400 1,200 600

Map C: Official Zoning Map

4. Water and Sewer Availability. The applicant is proposing to be connected to the City of Hendersonville water mains and to connect to the Etowah Sewer Company for sewage service. The applicant received a letter from Etowah Sewer Company advising that adequate service could be made available to the applicants for their first phase of development. The latter phases of development would require either updates to the current Etowah Sewer Company plant, or the creation of a new sewage plant on-site. During the first phase of development, the applicants have proposed the installation of a temporary lift station which would pump to the existing Etowah Sewer Company plant. (Map D: Utilities Map).

Map D: Public Utilities



5. Traffic Impact Study

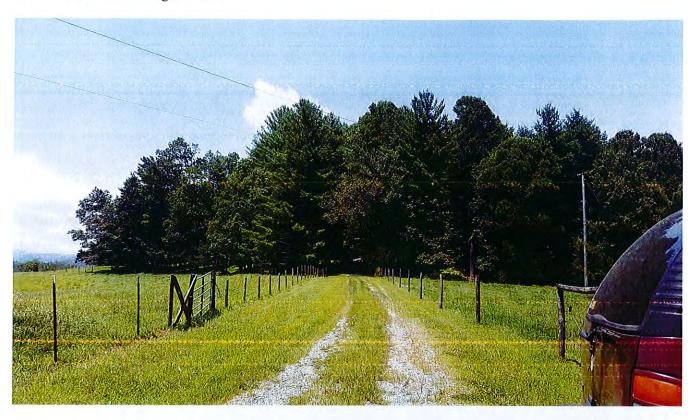
The proposed development requires a traffic impact study (TIS). Before the applicant can begin development, the study must be conducted in conjunction with the North Carolina Department of Transportation. The NCDOT standards must be met and any further conditions noted by NCDOT must be met before the applicant may begin development. A revised Master Plan may be required if substantive changes occur due to the TIS.

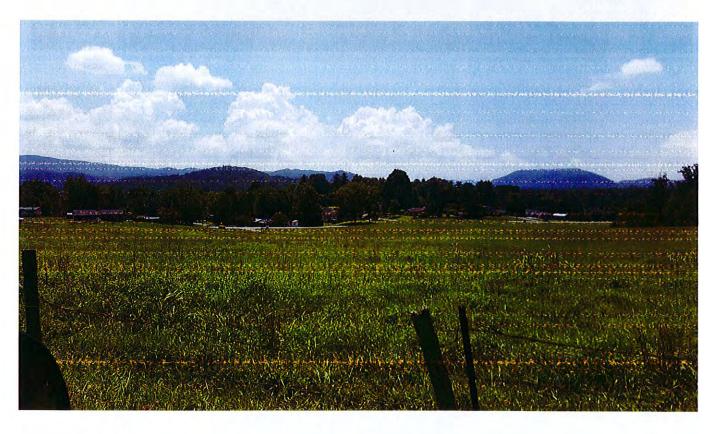
Master Plan Overview

The applicant proposes the following:

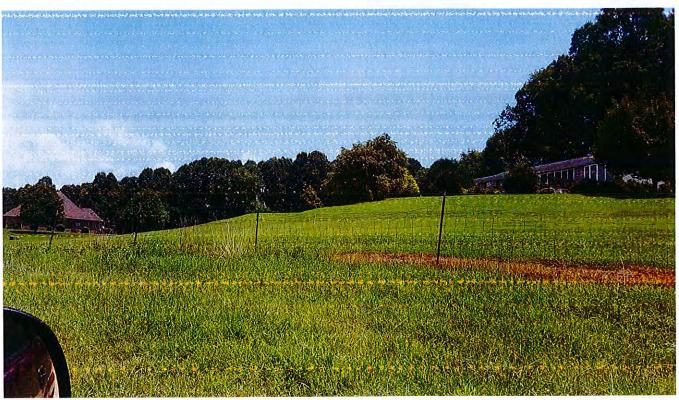
- 299 Dwelling Units
 - o 166 Single Family Units
 - o 60 Duplex Units (30 structures)
 - o 72 8-Plex Units (9 structures)
 - o 1 Guest Suite
- 3 Outparcels
- Proposed Density: 1.33 Units/Ac.
- 598 Residential Parking Spaces
- 109 Commercial Parking Spaces
- 89 Overflow Spaces
- 24 RV Spaces
- 10 Boat Storage Spaces
- 134.37 Acres of Open Space (57.9%)
- 44.41 Impervious Surface Acreage
- 31,420 Linear Feet of Roads
- Amenities: Administration Building, Maintenance Building, Storage Building, Restaurant, Clubhouse, Art Center, Wellness Center, Motorcycle/Car Display Building, Barn with guestrooms, Pavilion

SUP-17-03 The Farm at Eagles Nest

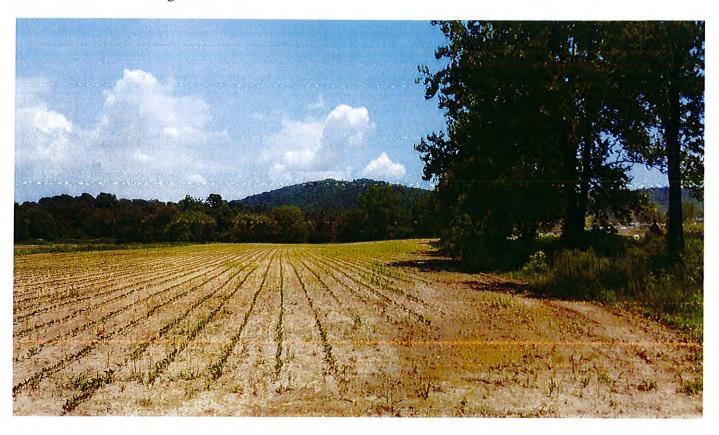


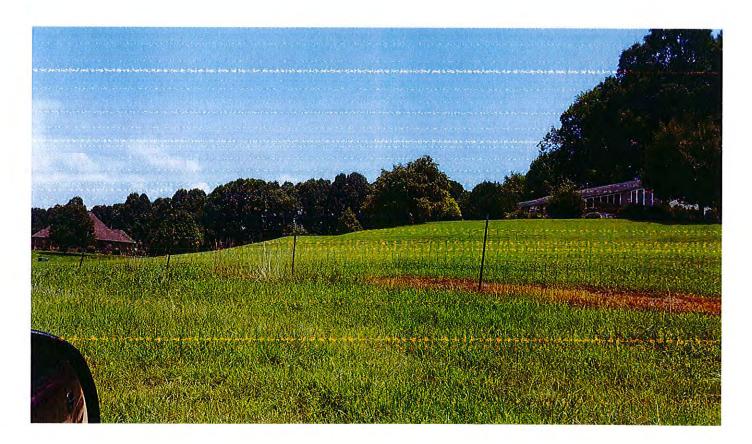




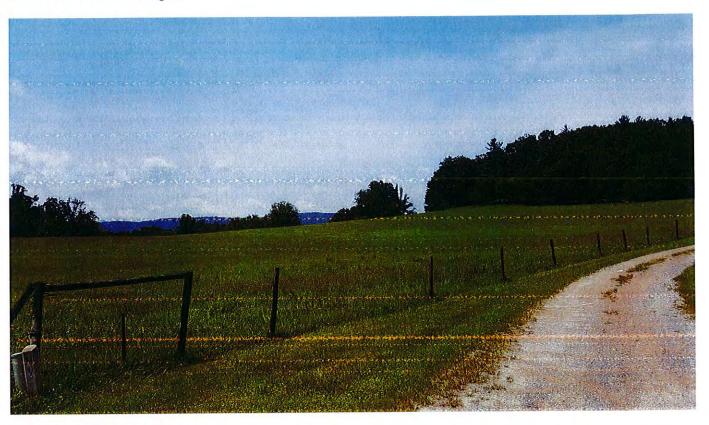


SUP-17-03 The Farm at Eagles Nest





SUP-17-03 The Farm at Eagles Nest





| Application No | |
|-----------------|--|
| Application No. | |
| | |

HENDERSON COUNTY SPECIAL USE PERMIT APPLICATION FORM

| GENERAL INFORMATION | ONNC | | | |
|--|-------------------|--|--|-----------------------------|
| Date of Application: 7/31/ | 17 | | | |
| Previously Submitted (Circ | ele One): Yes | No | | |
| Date of Pre-Application Co | nference: | | | |
| Site Plan Attached (Circle | One): Yes | No | | |
| Traffic Impact Study Requ | ired (Circle O | ne): Yes | No | |
| | | | | |
| SPECIAL USE PERMIT I | NFORMATIC | ON Single-family a | nd multi-family residences, rv spaces, a | amenity, maintenance and |
| Type of use to be permitted: | | agricultural buil | dings, pasture, crops and recreation. | SR #: |
| Existing Structures or Uses of | n property: _S | tructures: Single-fa | mily residences and barns. Uses: farm | ning, pastures and woods. |
| Road System (Circle): | Public | Private | | |
| Water System (Circle): | Individual | Community | Public (Municipal or County) | |
| Sewer System (Circle): | Individual | Community | Public (Municipal or County) | |
| SITE PLAN REQUIREME | ents | | | |
| | | lly required the | applicant shall submit a site plan | with the following items: |
| Dimensions of property | is not specifical | my required, the | applicant shan sublint a site plan | with the following items. |
| | | ctures (includin | g accessory structures), and gene | ral use thereof. |
| | | | perty lines and edge of right-of-w | |
| centerline of roads for | uses located in | the R-40, WR, o | or SW districts). | · According Comme |
| Separation of existing a | | ructures from or | ne another. | |
| Parking and off/on load | _ | | | |
| | | The second secon | ype of material, lighting). | |
| | is of existing a | nd proposed roa | ds / driveways and their entrance | /exits. |
| Location of dumpsters. Location and general de- | asseintion of an | u fanaan landaa | aning on other buffering (annual | d an antathrax |
| | | | aping or other buffering (propose | |
| the application form. | i / size. Anytni | ng submitted lar | ger than 11 X 17, the applicant n | nust provide 12 copies with |
| the application form. | | | | |
| PARCEL INFORMATION | г | | | |
| | | D = 1D = 1/D= | 1651/10 m c' /A | V. |
| | | | ge: 1651/10 Tract Size (Acre | |
| | | | Watershed: WS IV Floodpla | ın: Yes |
| Location of property to be de | veloped: 205 | McKinney Road | | |
| | | | | |
| | - | | | |
| CONTACT INFORMATIO | M | | | |
| | | nes William Hamm | ond, Annette P. Hammond Revocable | Trust |
| Name: | | | (407) 766-4566 | 17 m 37* |
| Address: 205 NW Ivar | | | tate, and Zip: Orlando, FL 32804 | |
| Applicant: | | | mie, mie zapi zameni z ezeri | |
| Name: John Turchin | | Phone | (305) 672-0702 | |

| | Ideasa 1000 Cupact Harbour Dr. Cuita 1 | Application No City, State, and Zip: Miami Beach, FL 33139 | |
|--|--|--|--|
| | dress: 1900 Sunset Harbour Dr., Suite 1 | City, State, and Zip; Milatin Beach, 12 30103 | |
| Agent: | me: _John Turchin | DI | |
| | | Phone: _(305) 672-0702 City, State, and Zip:Miami Beach, FL 33139 | |
| | | City, State, and Zipmain bodon, 12 00100 | |
| | ent Form (Circle One): Yes No | | |
| Plan Prep | | D1 (929) 242 0444 | |
| | me: Robert M. Grasso, RLA | Phone: (828) 242-0111 | |
| Ad | dress: Land Planning Collaborative 17 Arlington Street, Suite B | City, State, and Zip: Asheville, NC 28801 | |
| STANDA | RDS FOR REVIEW | | |
| | Under each requirement, the applicant s | ng GENERAL REQUIREMENTS on the use requested by the should explain, where applicable, how the proposed use satisfies | |
| | | naterially endanger the public health, safety or welfare: health, safety or welfare. The residential community will consist of residences, | |
| ar | menity buildings, roads, parking areas and open s | space for trails, recreation, pastures and crops. No activities will be conducted | |
| | | The entrance will comply all specifications required by NCDOT and recommende | |
| by | y our Traffic Engineer. | | |
| ar | | properties. The quality of the design and construction of the residences and to the neighboring properties. The scale and density of the project (1.25 units per e neighboring residences. | |
| | eneral Requirement #3. The use will be in | n harmony with the surrounding area. | |
| | 67 of the 299 units) which is consistant with the s | e-story residences (267 of the 299 units) and mostly single-family residences surrounding single-family residences. The plan retains the character of the farm 134.37 acres out of the total 232.23 acres for open space, trails, crops, pasture | |
| - | 67 of the 299 units) which is consistant with the s d the surrounding rural landscape by preserving | surrounding single-family residences. The plan retains the character of the farm | |
| The Land applicant. following | 67 of the 299 units) which is consistant with the s d the surrounding rural landscape by preserving d recreation. Development Code also imposes the foll The applicant should be prepared to den where applicable. | surrounding single-family residences. The plan retains the character of the farm 134.37 acres out of the total 232.23 acres for open space, trails, crops, pasture lowing SPECIFIC REQUIREMENTS on the use requested by the monstrate that satisfactory provisions have been made for the | |
| The Land applicant. following. | 67 of the 299 units) which is consistant with the set of the surrounding rural landscape by preserving direcreation. Development Code also imposes the followhere applicant should be prepared to demanded by the set of th | surrounding single-family residences. The plan retains the character of the farm 134.37 acres out of the total 232.23 acres for open space, trails, crops, pasture lowing SPECIFIC REQUIREMENTS on the use requested by the monstrate that satisfactory provisions have been made for the ed in such a manner as to: | |
| The Land applicant. following. | 67 of the 299 units) which is consistant with the set of the surrounding rural landscape by preserving directed in. Development Code also imposes the followhere applicant should be prepared to demand the set of the set | surrounding single-family residences. The plan retains the character of the farm 134.37 acres out of the total 232.23 acres for open space, trails, crops, pasture lowing SPECIFIC REQUIREMENTS on the use requested by the monstrate that satisfactory provisions have been made for the | |
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| The Land applicant. following. The properties a. | d the surrounding rural landscape by preserving drecreation. Development Code also imposes the followhere applicant should be prepared to demonstrate and develope Comply with all applicable local, state and the layout of the roads and building structures federal statutes, ordinances and regulations. Be in accordance with the Comprehens Transportation Plans of the county and/Transportation Plans of the project is in accordance Plans of the comprehensive Transportation Plans of the compr | surrounding single-family residences. The plan retains the character of the farm 134.37 acres out of the total 232.23 acres for open space, trails, crops, pasture lowing SPECIFIC REQUIREMENTS on the use requested by the monstrate that satisfactory provisions have been made for the d in such a manner as to: and federal statutes, ordinance and regulations. It is comply with Henderson County Land Development Code and all state and sive Plan, Long Range Transportation Plans and Comprehensive for Long Range Transportation Plans and comprehensive | |

character of the farm and developing residences that are in keeping with the scale of the surrounding residences.

| | Application No. |
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| С | billion of working in the |
| | neighborhood of the proposed use. |
| | The Internal orientation of the residential and commercial buildings and parking lots reduces the visual, noise and odor effects |
| | On the neighboring residences. The 20' landscape buffer also minimizes the visual improve of the protect. The |
| | min by or modeled construction. The impacts mining construction will be minimized become the recidential with the minimized because the recidential with the minimized by the recident with the minimized by the recidential with the minimized by the minimized by the recidential with the minimized by |
| d. | in an off-site modular building facility. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water wetlands endangered/threatened gracies are healering being be |
| | water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique |
| | natural areas. |
| | |
| | The layout of the roads, parking lots and residential and commercial buildings minimizes the impact to the site. The slope map |
| | highlights that the less steep parts of the tract are proposed for development while steeper areas are not developed. Stream |
| | buffers of 50' will protect the water quality of the tributaries to the French Broad River. 19.1% of the site is being developed |
| | with impervious surface. 25% of the impervious surface serving the multi-family units will be permeable pavers. 57.9% of the tract will remain as open space. |
| Show | that satisfactory provision/arrangement has been made (where applicable or required) concerning: |
| a. | by the proposed structures thereon (with particular reference (i) |
| | automotive/pedestrian safety/convenience and traffic flow/control). |
| | The main entrance is located on McKinney Road, midway between Hillside Drive East and Pisgah View Drive. The entrance |
| | will comply with recommendations of our traffic engineer and meet all NCDOT standards and requirements. Two emergency |
| | entrances are proposed, one on Ewbank Road and the other at the end of the shared drive on the east side of the property. |
| b. | Off-street parking and loading areas. |
| 0. | Off-street parking and loading areas provided meet or exceed the requirements of the Henderson County Land Development |
| | Code. The parking lots are located in the interior of the property and will not be visible from the neighboring properties. |
| | |
| C. | Utilities (with particular reference to locations, availability and compatibility). |
| | The project will be served by Hendersonville Water and Etowah Sewer. Both entities have or will have sufficient availability to |
| | serve the development. The initial phase of the project will have the sanitary sewer pumped in a force main to the nearest |
| | sewer manhole on Brickyard Road. |
| d | Buffering and landscaping (with particular reference to type, location and dimensions). |
| | A 20' landscape buffer has been provided where multi-family and commercial land use is adjacent to neighboring residences. |
| | The landscape buffer consists of Red Maples, Dogwoods, Redbuds, Norway Spruce and Nellie R. Stevens Hollies. |
| | |
| e. | Structures (with particular reference to location, size and use). |
| | The commercial structures will not exceed the maximum building height of 40°. The restaurant, clubhouse and wellness center |
| | will be the larger structures (4,000 to 6,000 square feet, approx.). The other non-residential will be smaller in scale. The non- |
| | residential buildings will be located in the interior of the property. The single-family, duplex and 8-pley residences will you in |
| | (900 to 1,400 square feet, approx). The residences are clustered throughout the development with open space separating the |
| | clusters. |
| I certify the | at the information shown above is true and accurate and is in conformance with the Land Development |
| | of Henderson County. |
| John Turch | |
| Print Appli | cant (Owner or Agent) |
| 11/1/ | 8-1-17 |
| | |
| Signature A | Applicant (Owner or Agent) Date |
| | |
| | County Use Only |
| Fee: \$ | Paid: Method: Received by: |
| Authority to | o grant the requested permit is contained in the Land Development Code, Sections: |
| - | |
| Community | Planning Area: |

Post Office Box 1659 Etowah, NC 28729 828-891-7022

July 26, 2017

Mr. John Turchin John Turchin Companies 1900 Sunset Harbour Dr., Suite 1 Miami Beach, FL 33139

RE.

Sewer Service Availability Applicant: John Turchin

Project Name: The Farm at Eagles Nest Location: Hammond Farm Property, Etowah

To Mr. Turchin:

This is to advise that sanitary sewer service can be made available and can be provided by the Etowah Sewer System for the above referenced Applicant/location. Excess capacity of approximately 50,000 gallons per day is available on the sanitary sewer system as of this date - a portion of which can be made available for use at this site.

We can allocate up to 30,000 gpd capacity (sufficient to service 100 Residential Equivalent (REQ) Taps once you enter into a "SEWER LINE EXTENSION AGREEMENT" with the Etowah Sewer Company. Additional capacity allocation will require a "WASTEWATER TREATMENT / CAPACITY EXPANSION AGREEMENT".

If you have any questions, please feel free to call me at 828-243-1784 (cell).

Sincerely,

Ton Kilpotnick
Tom Kilpatrick
Manager

cc: project file

ESTIMATED USAGE NEEDS FOR THE FARM AT EAGLES NEST PROJECT

Residential units

100 1 bedroom units @ 120g/br = 12,000 gpd 200 bedroom units @ 240g/br = 48,000 gpd

2 Restaurants

200 seats total @ 40g/seat = 8,000 gpd

25 RV slips @ 120g ea. = 3,000 gpd

24 unit motel/lodge @ 200g ea. = 4,800 gpd

Club house @ 720 gpd = 720 gpd

Event Center @ 360 gpd = 360 gpd

Admin Bldg. - 2 baths @ 120g ea. = 240 gpd

Barn - 2 baths @ 120g ea. = 240 gpd

Maintenance Bldg. - 2 baths @ 120g ea. = 240 gpd

TOTAL = 77,600 gpd

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