

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
Zoning Board of Adjustment

**MEETING DATE:** February 27, 2013

**SUBJECT:** Special Use Permit Application (SUP-13-01) for an Outdoor Recreational Facility-5423 Asheville Highway (US 25 Across from S. Naples Road)

**PRESENTER:** Parker Sloan, Planner

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

**Suggested Motion:**

**I move to approve SUP-13-01 for Henderson County Soccer Association with the following conditions:**

- **Meet requirements of SR 4.15**

**because 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. **Board Request**

- 1.1. **Applicant:** Henderson County Soccer Association
- 1.2. **Request:** Special Use Permit
- 1.3. **PIN:** 9651-55-6603
- 1.4. **Size:** 20.78 acres +/-
- 1.5. **Location:** The subject area is located at 5423 Asheville Highway.
- 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**



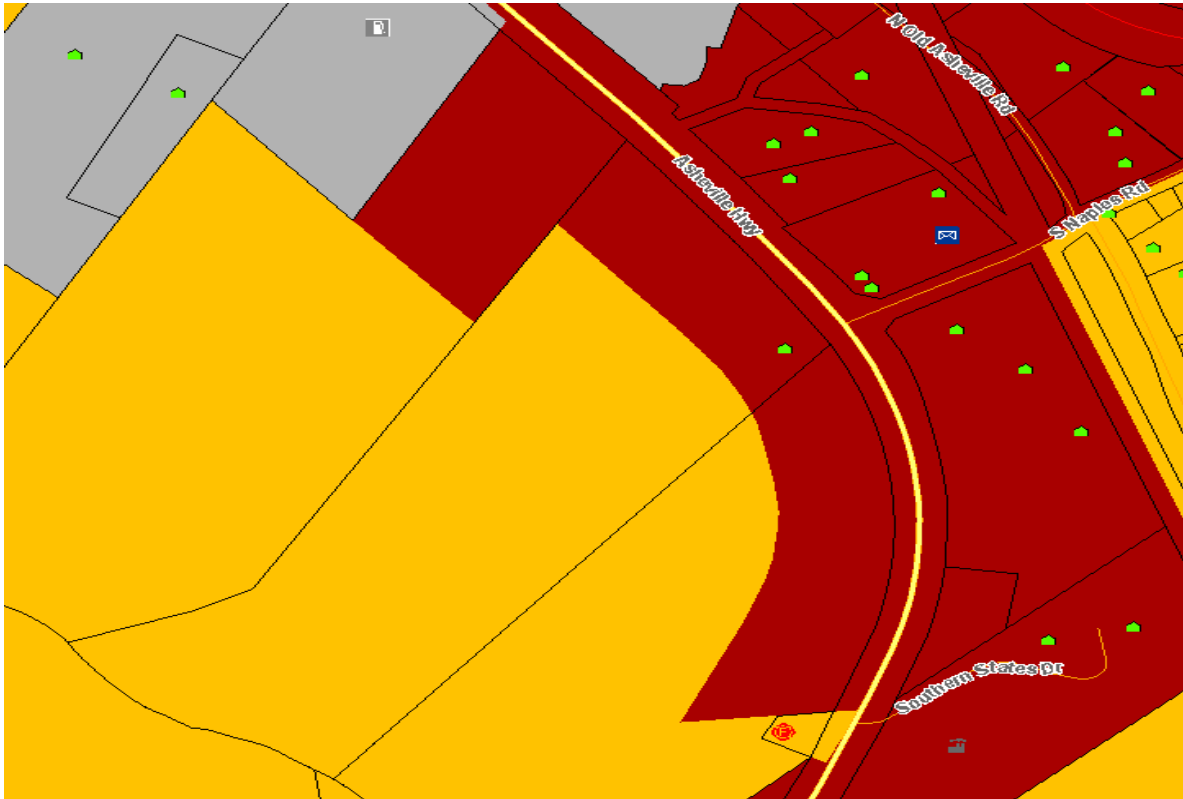
**2. Current Conditions**

**2.1 Current Use:** This parcel is currently a driving range and logging operation.

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

**2.3 Zoning:** The surrounding property to the north is zoned RC, property to the east and west is zoned RC, R-1, and property to the south is zoned R-1. Property northeast is in the incorporated limits of the Town of Fletcher.

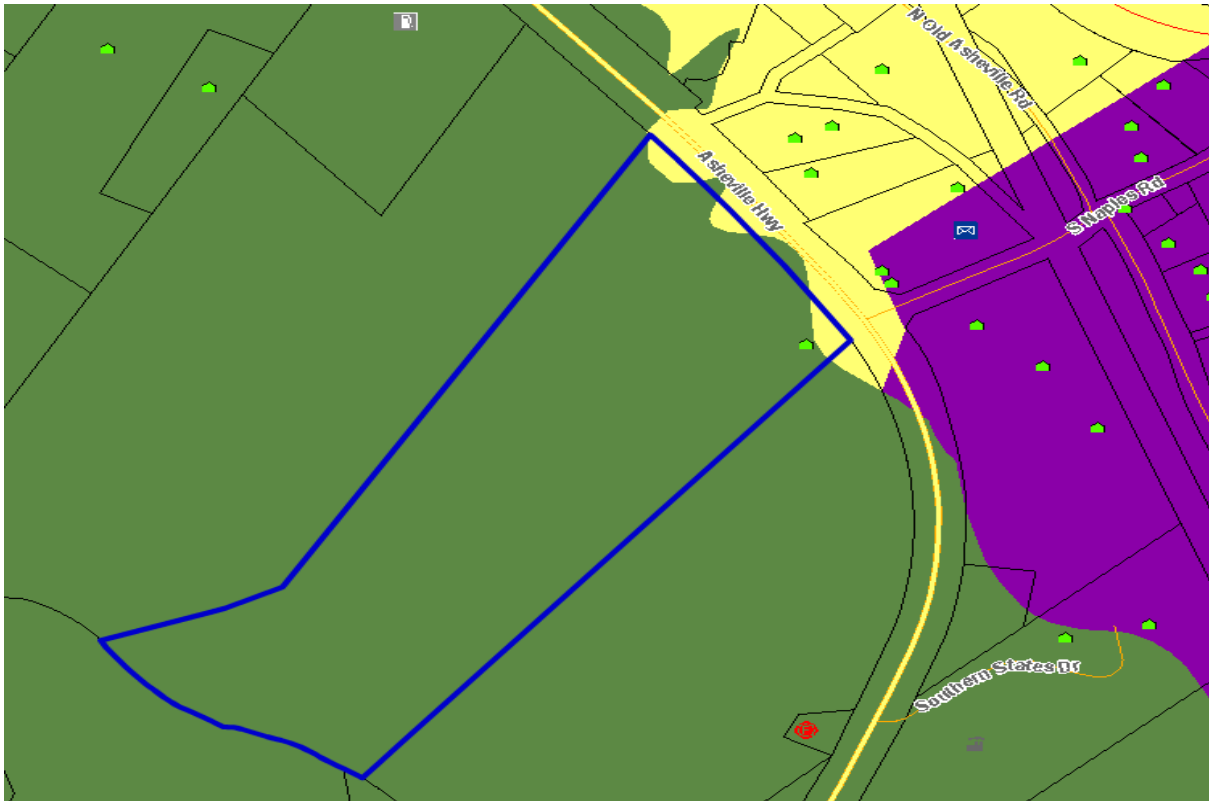
**Map B: Current Zoning**



**3. Floodplain /Watershed Protection** The majority of this property lies in the special flood hazard area. The property is not in a Water Supply Watershed district.

**4. Water and Sewer** City of Hendersonville water and Cane Creek sewer 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 Conservation classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds
2. Areas of historic and archeological significance
3. Local, state or federally-managed natural areas
4. Areas managed for agricultural or forestry land uses
5. Other areas yet to be defined

#### 6. Staff Recommendations

The Technical Review Committee voted to recommend approval of the project to the Board of Adjustment and approved the site plan for the project.

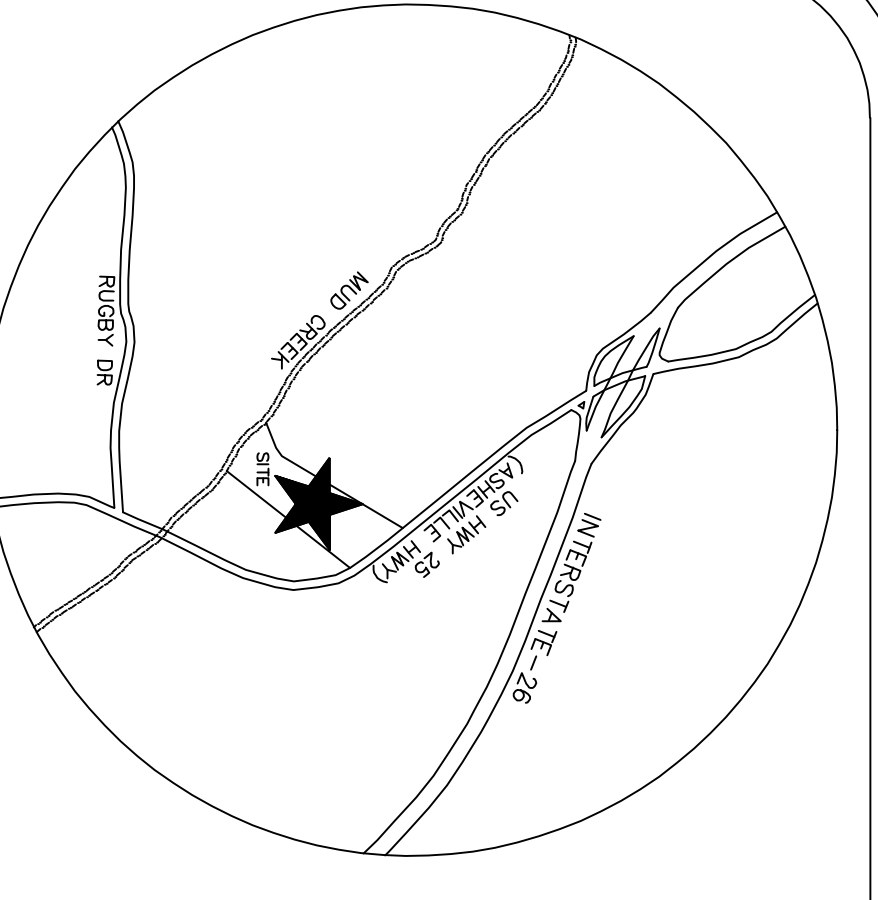
7. Photographs

Looking West into property



**Looking Northwest along Asheville Highway**

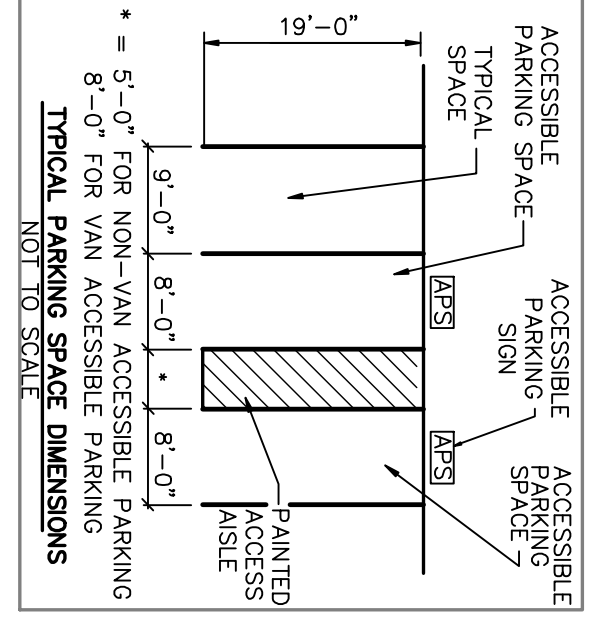




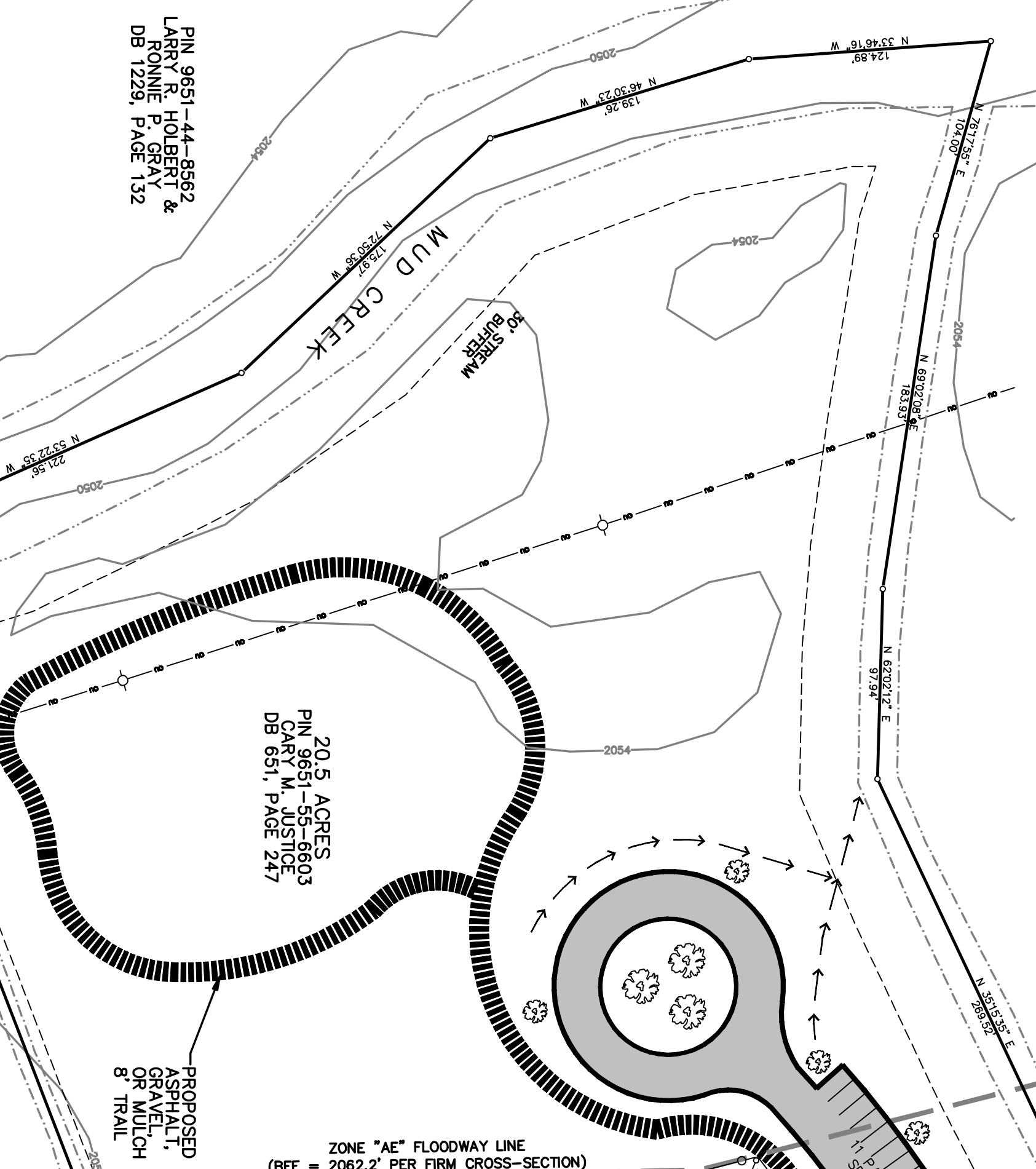
VICINITY MAP  
APPROX. 1"=2000'

<b>DEVELOPMENT BLOCK:</b>	
PROJECT NAME:	HCSA FAMILY ATHLETIC PARK
PROJECT ADDRESS:	5423 ASHEVILLE HIGHWAY
OWNER:	CARY MICHAEL JUSTICE P.O. BOX 191 NAPLES, NC 28780 (828) 984-8068
DEVELOPER:	HENDERSON COUNTY SOCCER ASSOCIATION P.O. BOX 1931 HENDERSONVILLE, NC 28733
CONTACT PERSON:	CHRIS CONARD (828) 808-8332
ENGINEER:	G. THOMAS JONES, P.E. WILLIAM G. LAPSLEY AND ASSOCIATES, P.A. 214 N. KING STREET (828) 987-7177
SURVEYOR:	ED HOLMES AND ASSOCIATES LAND SURVEYORS, P.A. 1400 W. MAIN STREET ASHEVILLE, NC 28806 (828) 225-8562
PLAT #	9851-55-6803
DEED REF.	D 15676, 247
TOTAL ACREAGE:	20.54 AC.
TOTAL # OF PROPOSED LOTS:	0 NEW LOTS
PROPOSED POND:	N/A
PROPOSED PARKING:	214 TOTAL SPACES (8 ACCESSIBLE)
ZONING:	RC (REGIONAL COMMERCIAL) R1 (RESIDENTIAL "1")
<b>BUILDING SETBACKS:</b>	
REQUIRED	
FRONT -	50' (from ROW)
SIDE -	10'
REAR -	10'

- GENERAL NOTES:**
- 1) SURVEY INFORMATION PROVIDED BY ED HOLMES & ASSOCIATES, 1567 PATTON AVENUE, ASHEVILLE, NC.
  - 2) THIS PROJECT IS TOTALLY LOCATED WITHIN HENDERSON COUNTY, AND NOT WITHIN ANY TOWN OR CITY JURISDICTION.
  - 3) SUBJECT PROPERTY IS ZONED RC (REGIONAL COMMERCIAL) AND R1 (RESIDENTIAL "1") AS SHOWN.
  - 4) TREE SELECTION TO BE FROM HENDERSON COUNTY LAND DEVELOPMENT CODE ARTICLE V (TABLE 5.3 OR 5.6)
  - 5) LIGHTING SHALL BE FULL CUT-OFF.
  - 6) TRASH COLLECTION TO BE PRIVATE (NO DUMPSTER PROPOSED)

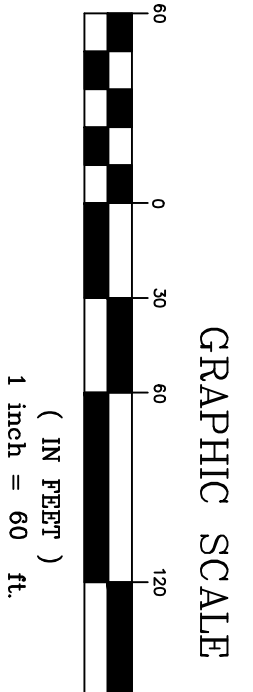


PIN 9851-56-1074  
GEORGE M. & MARYS WILSON  
PAGE 133

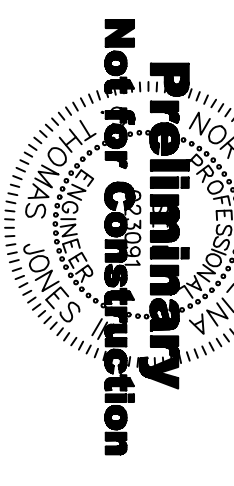


**LEGEND**

- PROPOSED 8' TRAIL
- PROPOSED TREE (40 REQUIRED AT ONE PER FIVE PARKING SPACES)
- EXISTING CONTOUR
- PROPOSED SWALE
- PROPOSED PIPE
- FUTURE LIGHTING
- PROPOSED FENCE



WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
214 N. KING STREET  
ASHEVILLE, NC 28806  
(828) 987-7177  
wga.com



**Preliminary**  
Not for Construction

**Revisions**

NO.	DATE	DESCRIPTION
01/29/13	HC COMMENTS	

date: 01/17/13  
job: 12171  
drawn: CME

**SITE PLAN**

HENDERSON COUNTY SOCCER ASSOCIATION  
FAMILY ATHLETIC PARK  
HENDERSON COUNTY  
NORTH CAROLINA

WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
CONSULTING ENGINEERS & LAND PLANNERS  
HENDERSONVILLE, NORTH CAROLINA





**HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**GENERAL INFORMATION**

Date of Application: 1/16/13  
Previously Submitted (Circle One): Yes  No   
Date of Pre-Application Conference: 10/24/12  
Site Plan Attached (Circle One): Yes  No   
Traffic Impact Study Required (Circle One): Yes  No

**SPECIAL USE PERMIT INFORMATION**

Type of use to be permitted: Outdoor Recreational Facility SR #: US 25  
Existing Structures or Uses on property: Driving Range  
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 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 INFORMATION**

PIN: 9651-55-6603 Deed Book/Page: 651/247 Tract Size (Acres): 20.5  
Zoning District: RC/R1 Fire District: FLETCHER Watershed: NA Floodplain: YES  
Location of property to be developed: 5423 ASHEVILLE HIGHWAY (US 25 ACROSS FROM S. NAPLES ROAD)

**CONTACT INFORMATION**

**Property Owner:**  
Name: CARY MICHAEL JUSTICE Phone: 828-712-1515  
Address: P.O. BOX 191 City, State, and Zip: NAPLES, NC 28760  
**Applicant:** ASSOCIATION  
Name: HENDERSON COUNTY SOCCER Phone: 828-808-6352

Address: PO BOX 1931 City, State, and Zip: HENDERSONVILLE, NC 28793 Application No. \_\_\_\_\_

**Agent:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_  
Agent Form (Circle One): Yes No

**Plan Preparer:**

Name: G. THOMAS JONES III Phone: 828-687-7177 EXT 303  
Address: W.M. LAPSLEY ASSOC. City, State, and Zip: HENDERSONVILLE, NC 28792  
214 N. KING STREET

**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:  
ACCESS TO US 25 IS AT AN EXISTING TRAFFIC SIGNAL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.  
THE PROPOSED USE IS CONSISTENT WITH CURRENT USES.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- C. General Requirement #3. The use will be in harmony with the surrounding area.  
ADJACENT PROPERTIES ARE ZONED REGIONAL COMMERCIAL.  
THE PROPERTY HAS BEEN USED FOR RECREATIONAL USE (DRIVING RANGE) SINCE 1970  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  
To the best of our knowledge, the project will comply with all local state, and federal statutes, ordinances, and regulations.  
\_\_\_\_\_
  - 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 nay municipality of the County.  
The property is properly zoned and is located on a major thoroughfare.  
\_\_\_\_\_  
\_\_\_\_\_

- 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 property is already being used for soccer, there are no residences or businesses (structures) within 200'. Outdoor lighting will be shielded from adjacent properties.

- 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 property is already developed. No impacts are anticipated to surface water, groundwater, wetlands, endangered / threatened species, archeological sites, historic sites, or unique natural areas.

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).

ingress and egress will remain at the current location, which has a traffic signal at US 25.

- b. Off-street parking and loading areas.

Off-street parking proposed will be adequate for future uses.

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

Existing utilities will be used for water and sewer.

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

As the surrounding uses are commercial, no buffering is proposed.

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

The existing structure may be improved, but its location and size are adequate for office, concessions, etc.

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

copy Michael Justice JOHN S. STRICKLAND, PRESIDENT HESA  
Print Applicant (Owner or Agent)

copy Michael Justice John S. Strickland  
Signature Applicant (Owner or Agent) for HESA

1/18/13  
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: \_\_\_\_\_