

MEETING OF THE HENDERSON COUNTY BOARD OF ADJUSTMENT

Administration Building
King Street Meeting Room
100 N. King Street
Hendersonville, NC 28792

Wednesday, July 25, 2012

4:00 PM

CASES

● **Case SUP-12-03** Albert & Valudia Jackson requested a Special Use Permit for a commercial dog kennel at 1050 Upward Rd, required in Residential Two Rural and in the Community Commercial Zoning District per SR 6.7 in the Land Development Code. PIN 9597094920.

● **Case SUP-12-04** Boyd Hyder requested a Special Use Permit for an Asphalt Plant located off of Clear Creek Rd, required in industrial Zoning District per SR 10.1 in the Land Development Code. PIN 9660929834.



Henderson County, North Carolina Code Enforcement Services

1. Board Request

- 1.1. **Applicant:** Boyd Hyder
- 1.2. **Request:** Major Site Plan Review/Special Use Permit
- 1.3. **PIN:** 9660929834
- 1.4. **Size:** 4.18 acres +/-
- 1.5. **Location:** The subject area is on Clear Creek Rd just past Nix Rd.
- 1.6. **Supplemental Requirements:**

SR 10.1 Asphalt Plant

(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) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.

(4) Separation. An *asphalt plant* shall not be constructed or newly located within:
a. One-half (½) mile of an existing *school, library, day care facility, healthcare facility and/or religious institution*; and
b. Five hundred (500) feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).

(5) Perimeter Setback at one hundred (100) feet.

(6) Security. The operations of an *asphalt plant* shall be totally enclosed by: (1) a security fence or wall at least eight (8) feet in height; or (2) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.

TRC Comments from July 3, 2012

Please add the following items to the site plan:

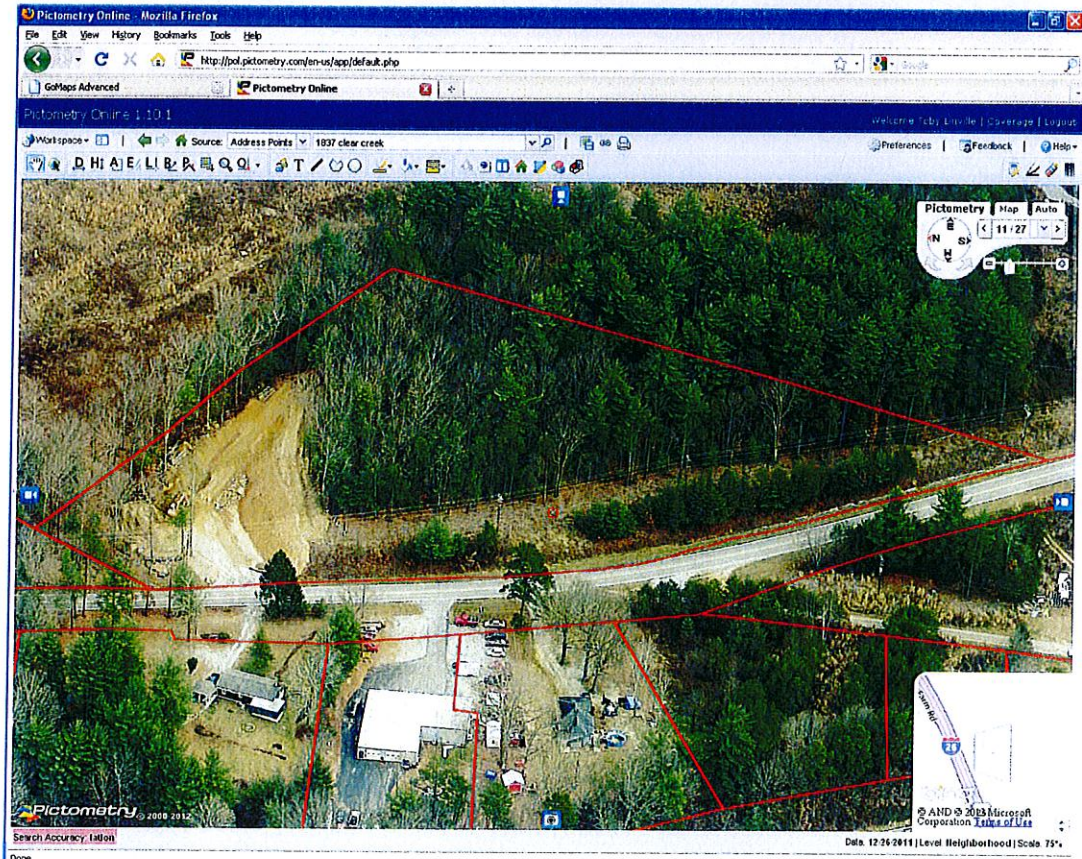
- Calculate impervious Surface
- Existing vegetation to remain
- Dumpster Location and enclosure
- Add berm note back on plan
- Berm widths and location

The following Conditions were added by the Technical Review Committee:

- Apply for Stormwater and Erosion Control Plan
- Apply for Septic Permit and secure area before land disturbance begins
- Our department will discuss whether a variance application may be processed for the portion of the setback that abuts Vulcan Materials
- Apply for NCDOT Driveway permit with paved entrance apron

Site Plan was corrected on July 10, 2012. Revised plan is attached

Map A: Aerial Photo/Pictometry



2. Current Conditions

2.1 Current Use: The parcel is currently vacant. Some grading and logging has begun on the property.

2.2 Adjacent Area Uses: The surrounding properties are Residential, Commercial and Industrial. There is an automotive garage across Clear Creek Rd with single family dwellings flanking that business. There is a quarry and asphalt plant north of the proposed site.

2.3 Zoning: The current zoning of surrounding property is Industrial. South of the site is City of Hendersonville ETJ zoned C-3 Highway Business. This zoning district classification is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

2.4 Floodplain /Watershed Protection The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

Map B: Current Zoning



2.5 Water and Sewer City of Hendersonville water and septic system are proposed for this property.

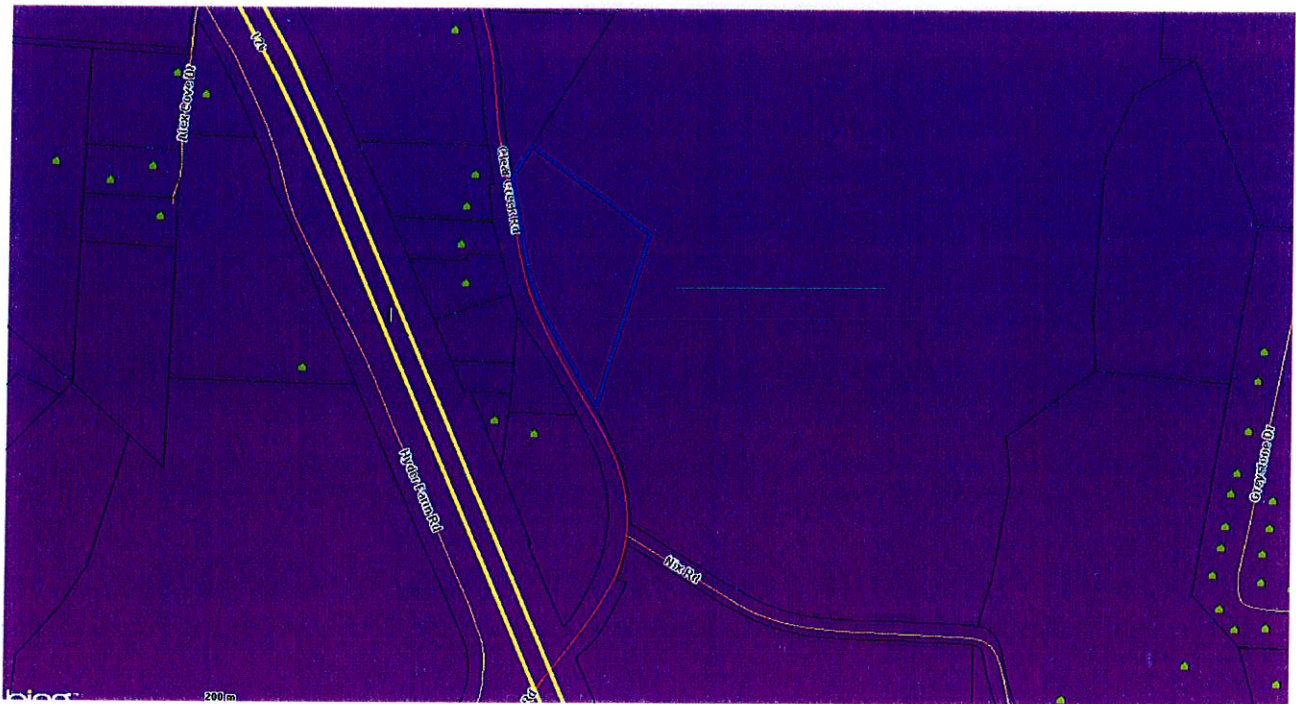
Public Water: City of Hendersonville water is available for this property.

Public Sewer: City of Hendersonville sewer is not available for this property.

3. Comprehensive Plan

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the “Industrial” classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

See the Current Land Use Definition of *Industrial*, in Appendix IV, Glossary. Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses. Industrial areas depicted on Map # 24, *Future Land Use Map* are derived from existing industrial zoning districts, as well as from those area depicted upon Map # 8, “*Committee of 100*” *Recommended Industrial Development Zones*. It is intended that the *Countywide Industrial / Commercial Zoning Study* and Community Plans will further refine the location, extent, and intensity of future industrial areas.



4. Staff Recommendations

- a. Staff’s position at this time, under the guidelines of current plans, policies and studies, is that they support the major site plan and special use permit application. The property is located near APAC and Vulcan Quarry which is a suitable area for this proposed use.

5. Photographs (Looking South along Clear Creek Rd)



Looking North into property along Clear Creek Rd



Looking into property from Clear Creek Automotive



Grading area inside property



