

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**ZONING BOARD OF ADJUSTMENT**

MEETING: **March 30, 2016**

SUBJECT: **Special Use Permit for Lazy Otter Outfitters**

PRESENTER: **Toby Linville**

ATTACHMENTS: **Staff Report**

SUMMARY OF REQUEST: **Special Use Permit Application**

SUGGESTED MOTION :

**I recommend approval/denial of the special use permit to the Zoning Board of Adjustment because the application meets the following standards:**

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

Additionally the *applicant* may be required, in his/her rebuttal, to show that the proposed *use* shall be located and developed in such a manner as to:

- a. Comply with all applicable 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 any municipality of the County;
- 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*; and
- 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*



## Henderson County, North Carolina Code Enforcement Services

### 1. Committee Request

- 1.1. **Applicant:** Lazy Otter Outfitters
- 1.2. **Request:** Major Site Plan Review
- 1.3. **PIN:** 9539894211
- 1.4. **Size:** 1.66 acres +/-
- 1.5. **Location:** 10 Banner Farm Rd.
- 1.6. **Supplemental Requirements:**

**SR 4.14. Recreational Facilities (Indoor /Outdoor)** A recreational facility that is outdoors and /or indoors and which may include: public or private operations, playing fields (soccer, baseball, etc.), courts (basketball, tennis, etc.) swimming pools, batting cages, shuffleboard areas, bowling alley, skating rink, bingo games, miniature race tracks (remote control only) and /or others such uses that fit the intent of this Chapter as determined by the Zoning Administrator. A recreational facility shall, for purpose of this Chapter, not include go-cart tracks (a recreational motor sports facility), golf courses, and miniature golf courses, driving tees or driving ranges.

(1) Site Plan. Major Site Plan required in accordance with §42-331 (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 (betting cages, baseball fields, driving tees, etc.) fencing, netting or other control measures shall be required.

(5) 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 states, ordinances and regulation (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 be provided consistent with the requirements of §42-182 (Screen Classification).

(6) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 8:00 a.m. or 12:00 midnight.

(7) Hours of Operation. For outdoor uses, 6:00a.m.Till 12:00 midnight

**Map A: Pictometry/Aerial Photography**



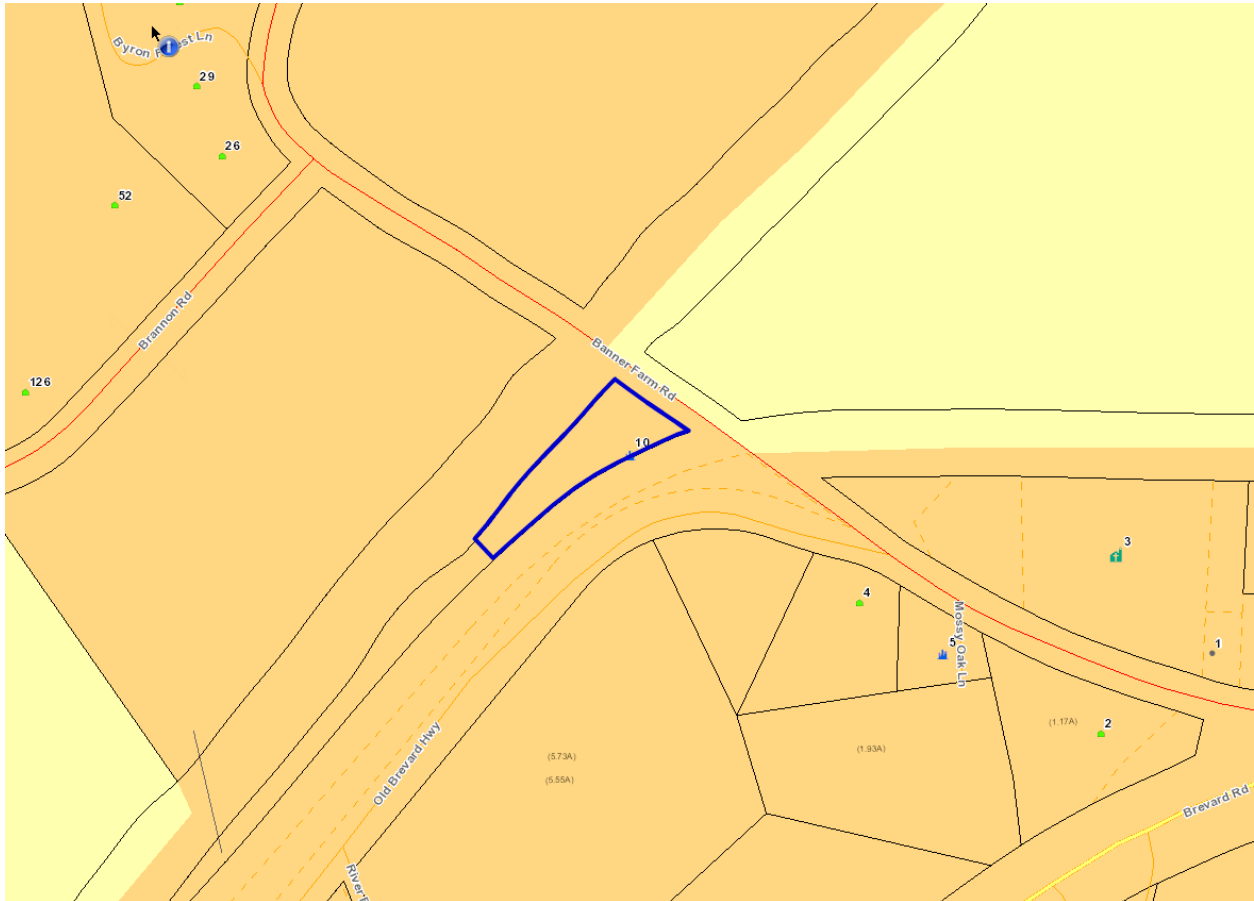
**2. Current Conditions**

**Current Use:** This parcel is currently vacant but was a landscaping business

**Adjacent Area Uses:** The surrounding properties are residential and agricultural.

**Zoning:** The surrounding properties to the north and west are Residential Two Rural. Property east is Residential Two.

**Map B: Current Zoning**



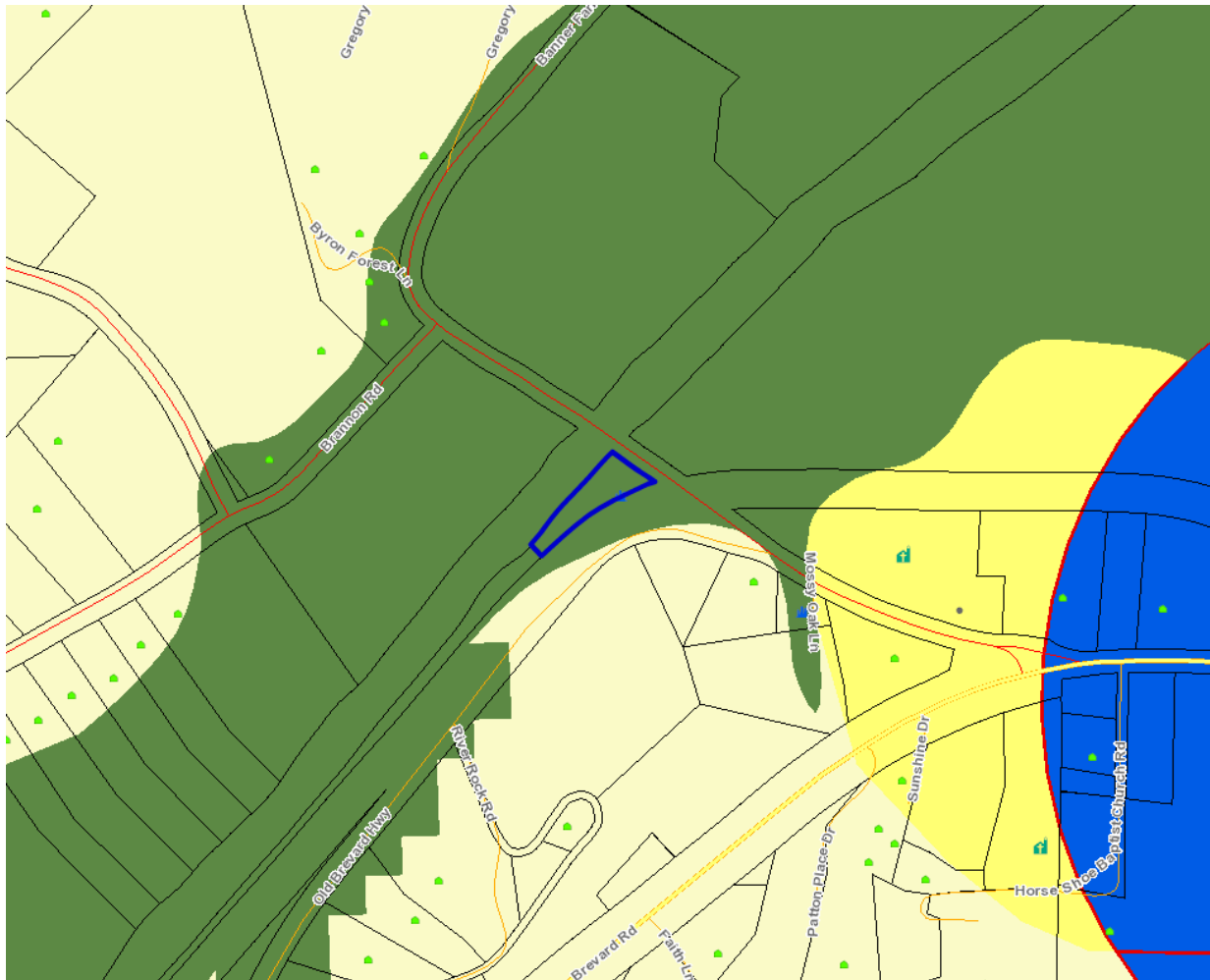
**3. Floodplain /Watershed Protection** The property is located in a Special Flood Hazard Area. The property is in the WSIV Water Supply Watershed district.

**4. Water and Sewer** This property is served by private well and septic.

**Public Water:** N/A

**Public Sewer:** N/A

**Map C: CCP Future Land Use Map**



**5. Comprehensive Plan**

**The 2020 CCP:** The CCP Future Land Use Map places the Subject Area in the Rural/Urban Transition area. 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.

**6. Staff Recommendations**

Staff's Position at this time, under the guidelines of current plans, policies and studies, is to approve the Special Use Permit because it is consistent with the current surrounding land uses and future land use recommendations. The Technical Review Committee approved the major site plan with the following conditions: apply for NCDOT Driveway Permit, maintain adequate emergency service access, and apply for Floodplain and Watershed Permits. The Committee also gave a favorable recommendation to the Zoning Board of Adjustment for the Special Use Permit.

**7. Photographs**

**HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**GENERAL INFORMATION**

**Date of Application:** Feb. 15, 2016  
**Previously Submitted (Circle One):** Yes  No   
**Date of Pre-Application Conference:** Dec. 17, 2015  
**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: River tubing and kayak rental SR #: \_\_\_\_\_  
 Existing Structures or Uses on property: One building, no current use  
 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: 9539894211 Deed Book/Page: \_\_\_\_\_ Tract Size (Acres): 4  
 Zoning District: R2R Fire District: Etowah-Horseshoe Watershed: \_\_\_\_\_ Floodplain: \_\_\_\_\_  
 Location of property to be developed: 10 Banner Farm Road, Horse Shoe, NC 28759

**CONTACT INFORMATION**

**Property Owner:**

Name: Matt and Leslie Evans Phone: (336) 253-0940  
 Address: 97 Carolina Hills Dr City, State, and Zip: Horse Shoe, NC 28742

**Applicant:**

Name: Matt and Leslie Evans Phone: (336) 253-0940

Address: 97 Carolina Hills Dr City, State, and Zip: Horse Shoe, NC 28742 Application No. \_\_\_\_\_

**Agent:**

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

**Plan Preparer:**

Name: Wildlands Engineering Phone: (828) 774-5547  
Address: 167-B Haywood Road City, State, and Zip: Asheville, NC 28806

**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:  
Our outfitting business will use commercial-quality boating and safety equipment and follow industry-standard safety procedures.  
Guests will receive both written and verbal safety instructions.  
\_\_\_\_\_  
\_\_\_\_\_
  
- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.  
Our outfitting business does not require substantial changes to the property.  
Our access to the French Broad River is designed and engineered by Wildlands Engineering,  
which specializes in water quality management and will oversee that permit process.  
No negative impacts on surrounding properties are anticipated.  
\_\_\_\_\_  
\_\_\_\_\_
  
- C. General Requirement #3. The use will be in harmony with the surrounding area.  
Our immediate neighbors include Horse Shoe Guns & Ammo and Cummings Memorial United  
Methodist Church. Our use will give locals and visitors easier access to the public waterway.  
We do not foresee any negative impact on the area.  
\_\_\_\_\_  
\_\_\_\_\_

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.  
No substantial development beyond the properly permitted river access is anticipated. We will comply with all applicable 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.  
Our business complements the county's goal to improve public access to the French Broad River and should  
not detract from any planning initiatives.  
\_\_\_\_\_  
\_\_\_\_\_

- 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.  
 Our property has substantial separation from any residential neighbors and we do not anticipate any negative impacts.  
 Our regular business activities will be confined to daylight hours.

- 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.  
 Wildlands Engineering specializes in watershed planning and protection and has designed similar accesses for individuals and organizations including RiverLink. Our business will emphasize environmental responsibility and will both take part in and organize volunteer clean-up efforts.

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).  
 There is adequate ingress and egress to the property and no need for pedestrians to come to or leave the property in the course of doing business.
- b. Off-street parking and loading areas.  
 There is a large parking lot already in place and adequate space behind the building for our shuttle bus to load passengers and equipment.
- c. Utilities (with particular reference to locations, availability and compatibility).  
 There is no need to make any changes to existing utilities.
- d. Buffering and landscaping (with particular reference to type, location and dimensions).  
 Any additional landscaping installed will enhance the property's aesthetics and/or security.
- e. Structures (with particular reference to location, size and use).  
 No new permanent structures are anticipated.

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

\_\_\_\_\_  
Matt Evans

Print Applicant (Owner or Agent)

\_\_\_\_\_  
*Matt Evans*

Signature Applicant (Owner or Agent)

**2/15/2016**

\_\_\_\_\_  
Date

-----  
**County Use Only**

Fee: \$ \_\_\_\_\_ Paid: \_\_\_\_\_ Method: \_\_\_\_\_ Received by: \_\_\_\_\_

Authority to grant the requested permit is contained in the Land Development Code, Sections: \_\_\_\_\_

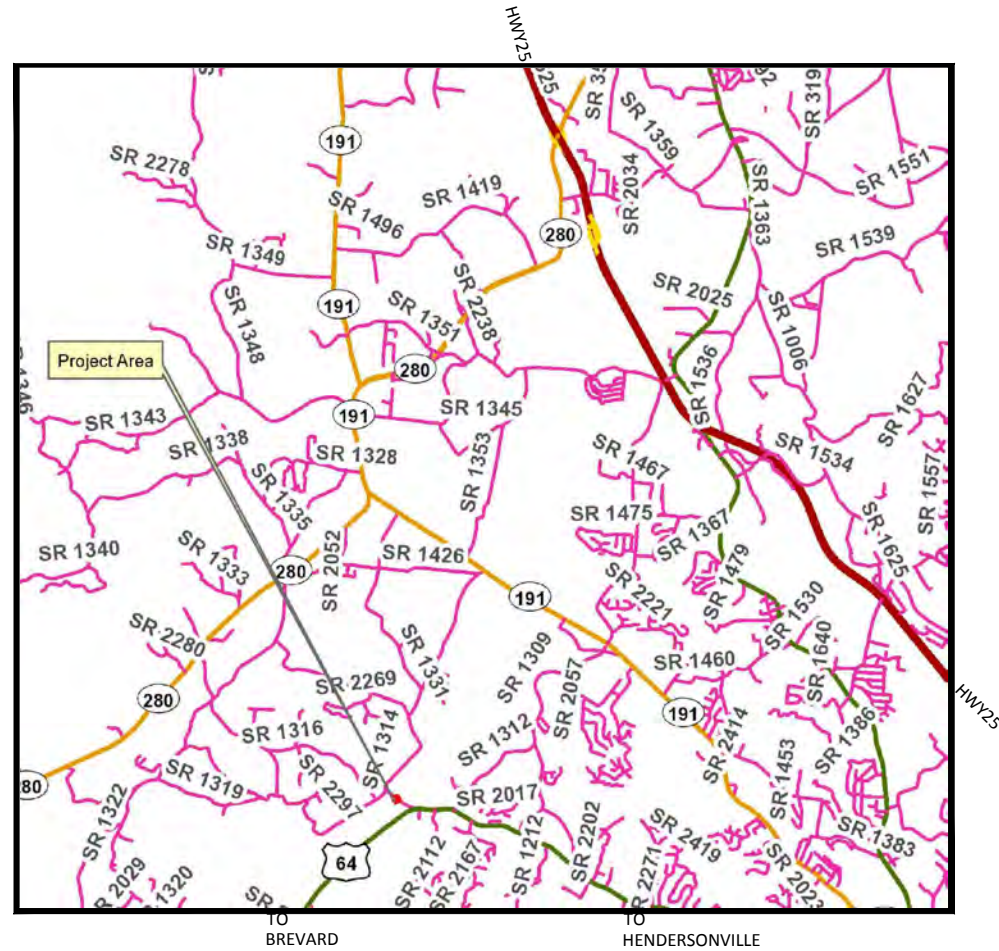
Community Planning Area: \_\_\_\_\_



# Evans Paddle Trail Access

## French Broad River

### Henderson County, North Carolina



Vicinity Map  
Not to Scale



BEFORE YOU DIG!  
CALL 1-800-632-4949  
N.C. ONE-CALL CENTER  
IT'S THE LAW!

PRELIMINARY DRAWINGS  
ISSUED  
FEBRUARY 15, 2016

#### Sheet Index

Title Sheet	0.1
Legend and Floodplain Overview	0.2
Site Plan	1.0
Section Views	2.0

#### Project Directory

**Engineering:**  
Wildlands Engineering, Inc  
License No. F-0831  
167-B Haywood Road  
Asheville, NC 28806  
Jake McLean, PE, CFM  
828-774-5547

**Owner:**  
Matt Evans  
97 Carolina Hills Dr  
Horse Shoe, NC 28742














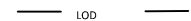


**Surveying:**  
Wes Cole Land Surveying  
Asheville, NC 28806

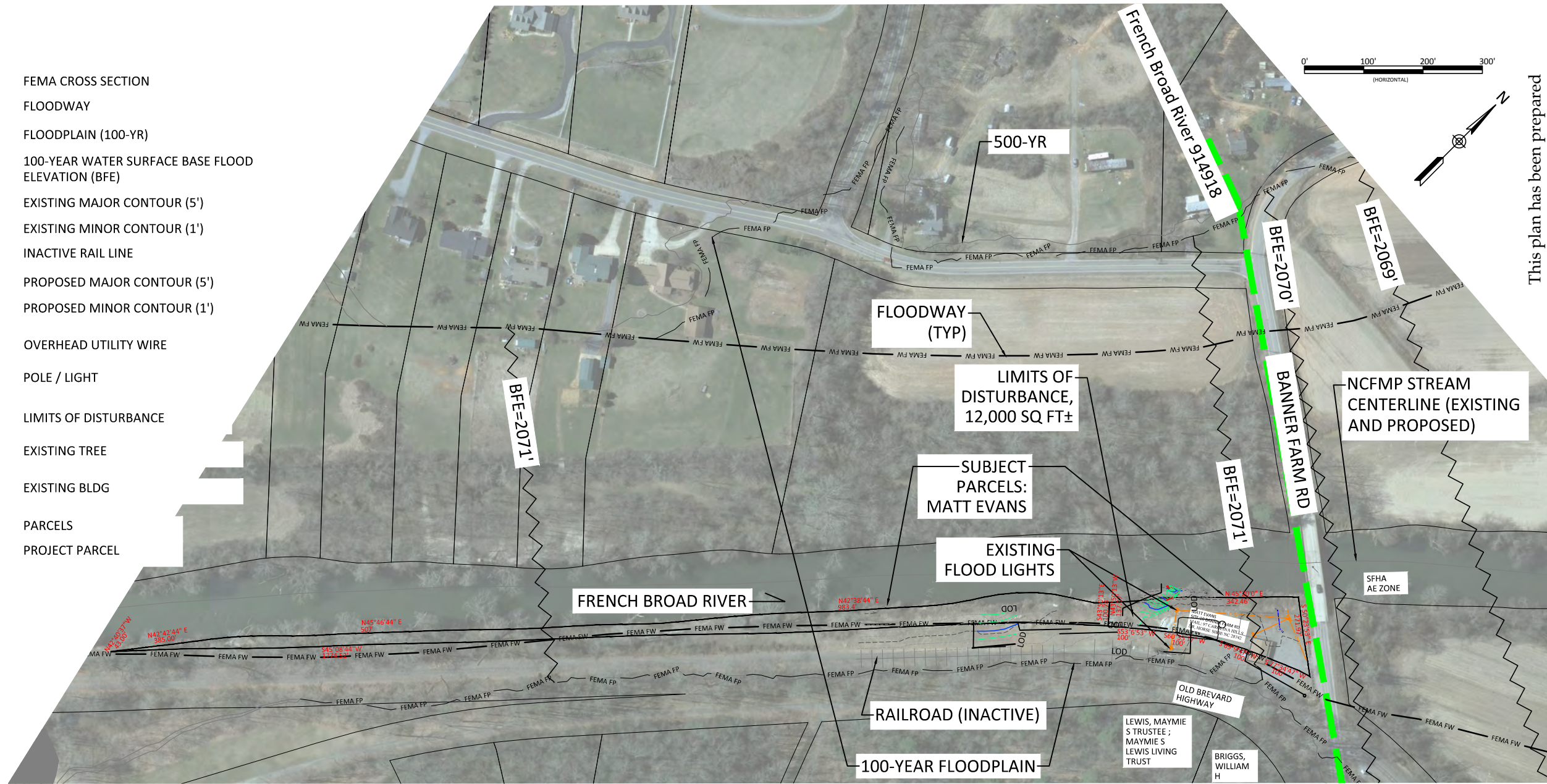


Revisions:


Date: February 15, 2016  
Job Number: 005-14517  
Project Engineer: JPM  
Drawn By: JPM/JW  
Checked By: AB

**LEGEND**

-  FEMA CROSS SECTION
-  FEMA FW FLOODWAY
-  FEMA FP FLOODPLAIN (100-YR)
-  100-YEAR WATER SURFACE BASE FLOOD ELEVATION (BFE)
-  EXISTING MAJOR CONTOUR (5')
-  EXISTING MINOR CONTOUR (1')
-  INACTIVE RAIL LINE
-  PROPOSED MAJOR CONTOUR (5')
-  PROPOSED MINOR CONTOUR (1')
-  OVERHEAD UTILITY WIRE
-  POLE / LIGHT
-  LIMITS OF DISTURBANCE
-  EXISTING TREE
-  EXISTING BLDG
-  PARCELS
-  PROJECT PARCEL



FLOODPLAIN OVERVIEW MAP

**ZONING, UTILITIES AND SERVICES NOTES:**

1. SUBJECT AND ADJOINING PROPERTIES ZONED RESIDENTIAL TWO RURAL. SETBACKS ARE 15' FROM RIGHT-OF-WAY AND 10' FROM SIDE AND REAR PROPERTY LINES.
2. NO PUBLIC GARBAGE COLLECTION IS BEING REQUESTED. THE OWNER WILL UTILIZE PRIVATE COLLECTION.
3. THERE ARE TWO EXTERIOR FLOOD LIGHTS BEHIND THE BUILDING AND AN EXTERIOR DOOR LIGHT ON THE BUILDING ITSELF - NO ADDITIONAL LIGHTING IS DEEMED NECESSARY.
4. WATER AND SEPTIC ARE SHOWN ON THE SITE PLAN.

**NOTES:**

1. FRENCH BROAD RIVER IS STUDIED USING DETAILED METHODS AND HAS A REGULATORY FLOODWAY SHOWN ON THIS MAP. THE FLOODWAY LIMITS ARE BASED ON GEOGRAPHIC INFORMATION SYSTEM DATA OBTAINED FROM THE NC FLOODPLAIN MAPPING PROGRAM (NCFMP) FROM THEIR FRIS SYSTEM.
2. ALL FLOODPLAIN LINEWORK DATA OBTAINED FROM NCFMP GEODATABASE LAYERS WHICH REFLECT THE EFFECTIVE FLOOD INSURANCE STUDY FOR HENDERSON COUNTY, DATED OCTOBER 2, 2008.
3. NO UTILITIES ARE KNOWN TO EXISTING WITHIN THE LIMITS OF DISTURBANCE APART FROM THOSE SHOWN. HOWEVER, UTILITY LOCATE (811) SHALL BE REQUESTED PRIOR TO CONSTRUCTION.
4. THERE ARE NO PROPOSED STRUCTURES AND ONLY VERY MINOR BANK GRADING TO CREATE A RIVER ACCESS PROPOSED.
5. THE BASE FLOOD ELEVATION IS 2071', THIS AREA IS UNDER A FLAT BACKWATER PROFILE FROM THE DOWNSTREAM BRIDGE AND THEREFORE THE 2071 BFE IS MAPPED TWICE INDICATING HOW FLAT THE 100-YEAR WATER SURFACE PROFILE IS IN THIS REACH. AS SUCH, THE MAIN POTENTIAL IMPACT TO FLOOD ELEVATIONS IS FROM THE ADDITION OF FILL. FOR THIS SITE, THE ONLY FILL BEING PLACED IS IN A RECESSED BANK AREA - THE AMOUNT OF BOULDER AND STONE FILL BROUGHT TO THE SITE WILL BE
6. NET EARTHWORK FOR THE ACCESS WORK IS 47 CY CUT. TOTAL EARTHWORK CONSISTS OF 60 CY CUT, 13 CY FILL. AN ADDITIONAL 15 CY IS EXPECTED TO BE DISPOSED IN A DEPRESSION ON THE FLOODPLAIN AS SHOWN ON SHEET 1. THE REMAINING 30 CY OF EXCESS MATERIAL WILL BE REMOVED TO AN APPROVED (PERMITTED) WASTE/DISPOSAL SITE.
7. REMOVAL OF FENCING AND YARD MATERIALS PRIOR AND UPON PURCHASE OF PROPERTY HAS REMOVED VARIOUS OBSTACLES FROM THE FLOODPLAIN AND FLOODWAY. THE BENEFIT OF THESE ACTIVITIES SHOULD BE CONSIDERED IN THE OFFSETTING OF THE PROPOSED RIVER ACCESS.

This plan has been prepared under my direct supervision.

**WILDLANDS**  
 ENGINEERS, INC.  
 1678 Hix Road  
 Asheville, NC 28806  
 Tel: 828.774.5547  
 Firm License No. F-0831



Evans Paddle Trail Access  
 Henderson County, North Carolina

Legend and Floodplain Overview  
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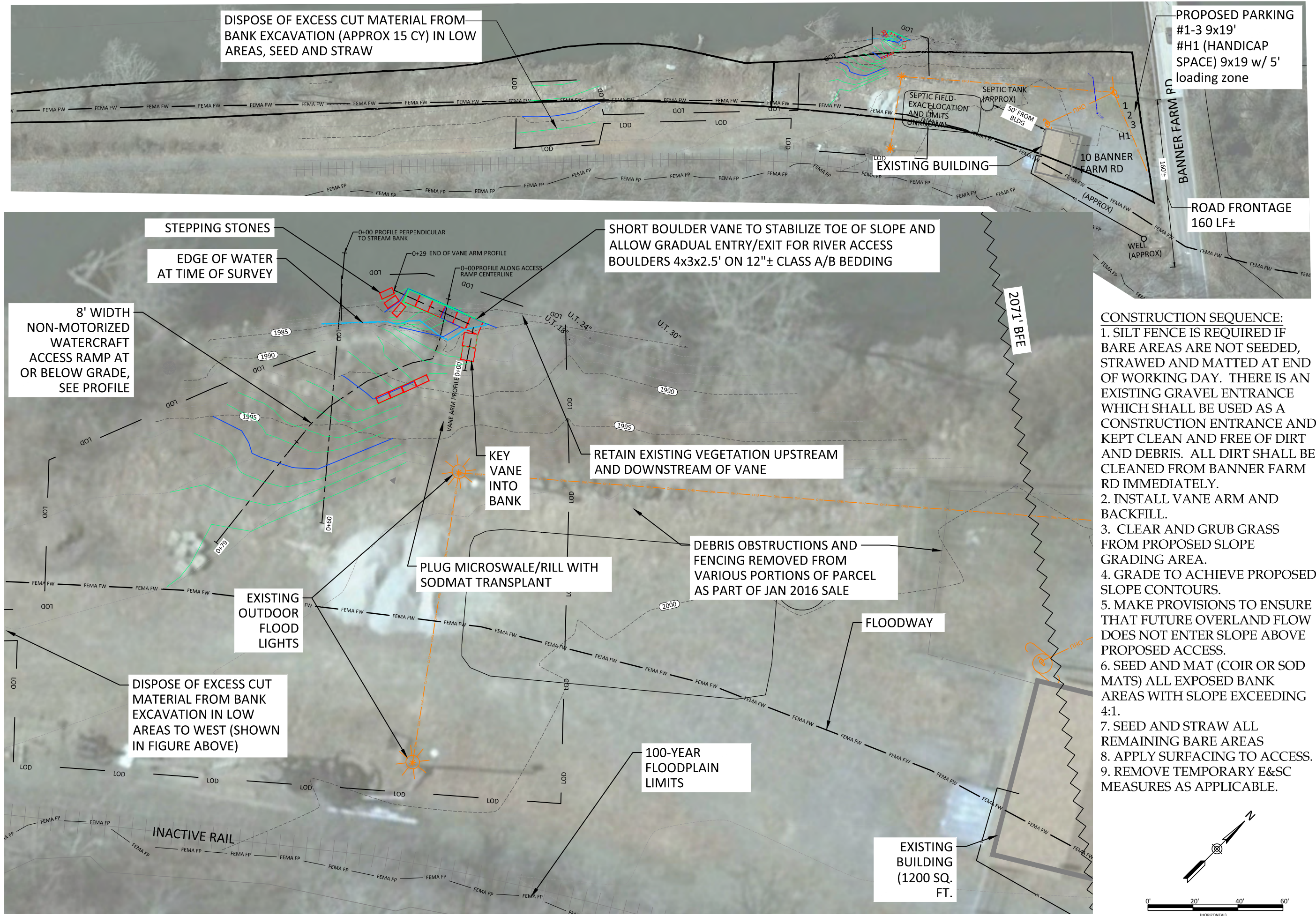
Revisions:
2/7/16 County Comments

Date: February 15, 2016	Job Number: 005-14517
Project Engineer: JPM	Drawn By: JPM/JW
Checked By: AB	

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Sheet

February 15, 2016  
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DISPOSE OF EXCESS CUT MATERIAL FROM BANK EXCAVATION (APPROX 15 CY) IN LOW AREAS, SEED AND STRAW

PROPOSED PARKING #1-3 9x19' #H1 (HANDICAP SPACE) 9x19 w/ 5' loading zone

SEPTIC FIELD- EXACT LOCATION AND LIMITS CONFIRMED

EXISTING BUILDING

ROAD FRONTAGE 160 LF±

STEPPING STONES

EDGE OF WATER AT TIME OF SURVEY

SHORT BOULDER VANE TO STABILIZE TOE OF SLOPE AND ALLOW GRADUAL ENTRY/EXIT FOR RIVER ACCESS BOULDERS 4x3x2.5' ON 12"± CLASS A/B BEDDING

8' WIDTH NON-MOTORIZED WATERCRAFT ACCESS RAMP AT OR BELOW GRADE, SEE PROFILE

KEY VANE INTO BANK

RETAIN EXISTING VEGETATION UPSTREAM AND DOWNSTREAM OF VANE

PLUG MICROSWALE/RILL WITH SODMAT TRANSPLANT

DEBRIS OBSTRUCTIONS AND FENCING REMOVED FROM VARIOUS PORTIONS OF PARCEL AS PART OF JAN 2016 SALE

EXISTING OUTDOOR FLOOD LIGHTS

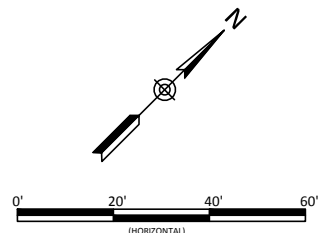
DISPOSE OF EXCESS CUT MATERIAL FROM BANK EXCAVATION IN LOW AREAS TO WEST (SHOWN IN FIGURE ABOVE)

100-YEAR FLOODPLAIN LIMITS

FLOODWAY

EXISTING BUILDING (1200 SQ. FT.)

- CONSTRUCTION SEQUENCE:**
1. SILT FENCE IS REQUIRED IF BARE AREAS ARE NOT SEEDED, STRAWED AND MATTED AT END OF WORKING DAY. THERE IS AN EXISTING GRAVEL ENTRANCE WHICH SHALL BE USED AS A CONSTRUCTION ENTRANCE AND KEPT CLEAN AND FREE OF DIRT AND DEBRIS. ALL DIRT SHALL BE CLEANED FROM BANNER FARM RD IMMEDIATELY.
  2. INSTALL VANE ARM AND BACKFILL.
  3. CLEAR AND GRUB GRASS FROM PROPOSED SLOPE GRADING AREA.
  4. GRADE TO ACHIEVE PROPOSED SLOPE CONTOURS.
  5. MAKE PROVISIONS TO ENSURE THAT FUTURE OVERLAND FLOW DOES NOT ENTER SLOPE ABOVE PROPOSED ACCESS.
  6. SEED AND MAT (COIR OR SOD MATS) ALL EXPOSED BANK AREAS WITH SLOPE EXCEEDING 4:1.
  7. SEED AND STRAW ALL REMAINING BARE AREAS
  8. APPLY SURFACING TO ACCESS.
  9. REMOVE TEMPORARY E&SC MEASURES AS APPLICABLE.



**WILDLANDS**  
 LAND MANAGEMENT  
 1679 Highway Road  
 Asheville, NC 28806  
 Tel: 828.774.5547  
 Firm License No. F-0831



Evans Paddle Trail Access  
 Henderson County, North Carolina

Site Plan

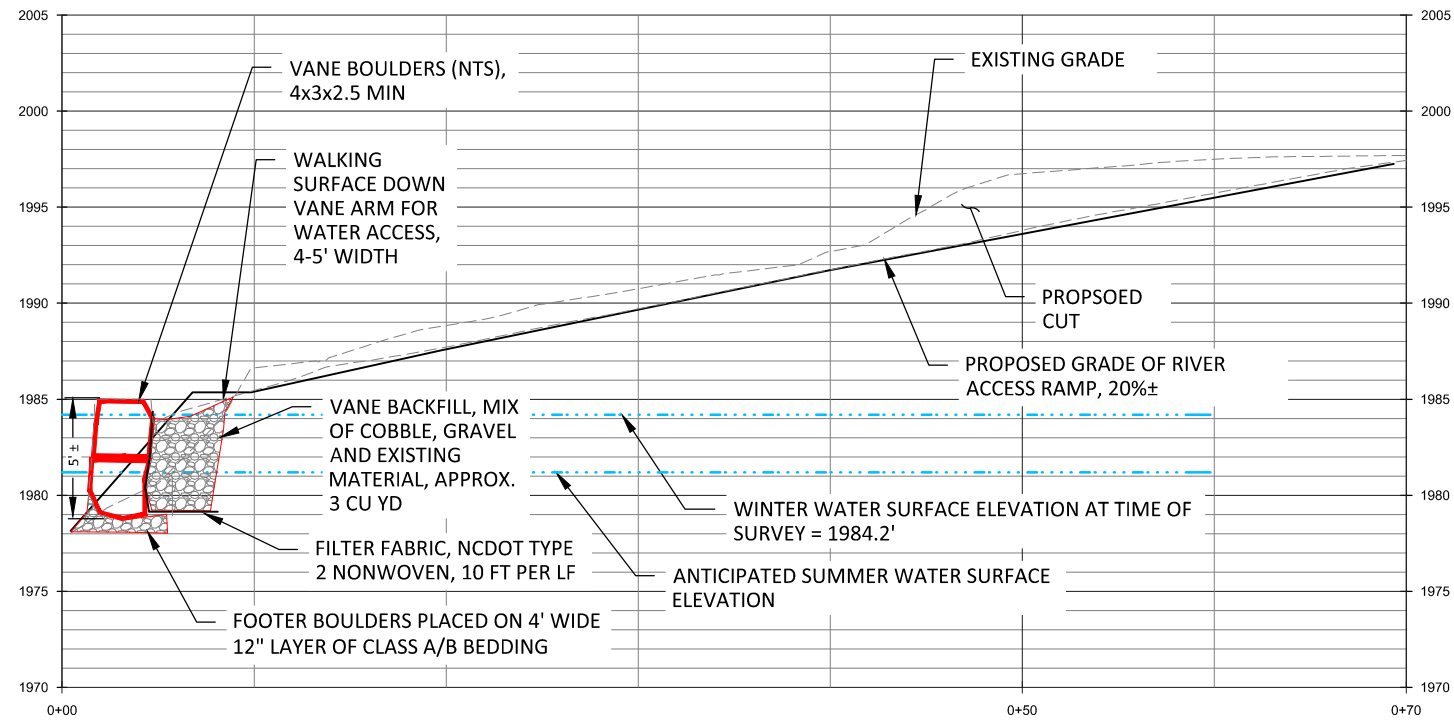
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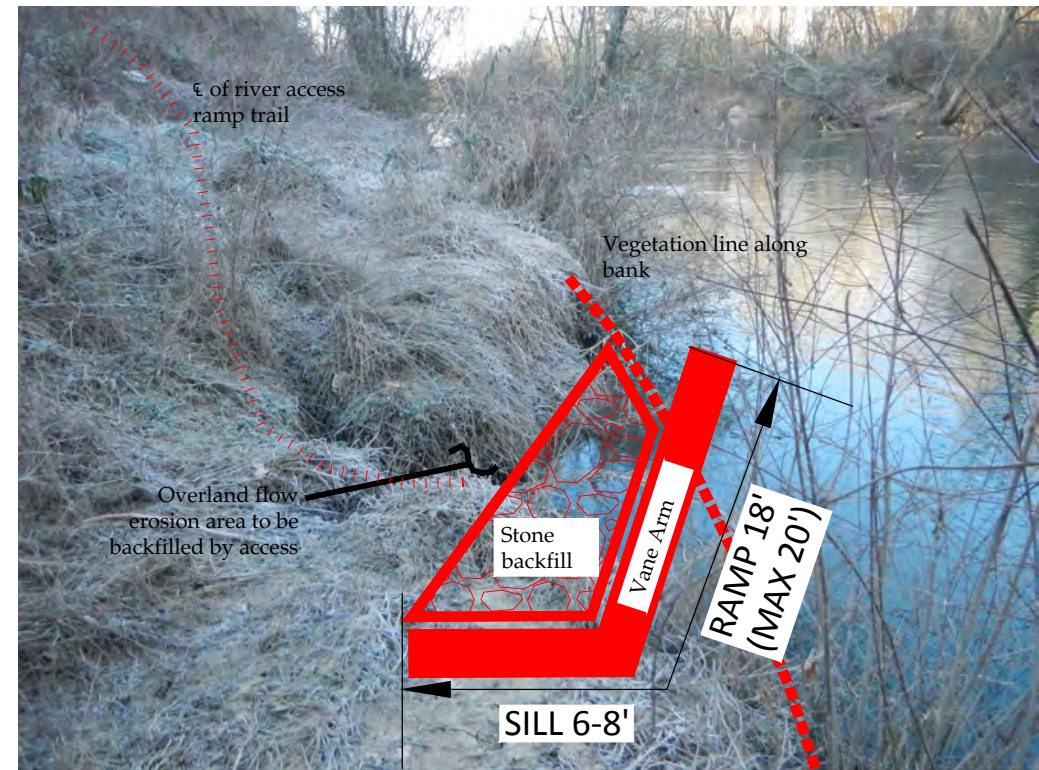
Date: February 15, 2016  
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 Project Engineer: JPM  
 Drawn By: JPM/JW  
 Checked By: AB

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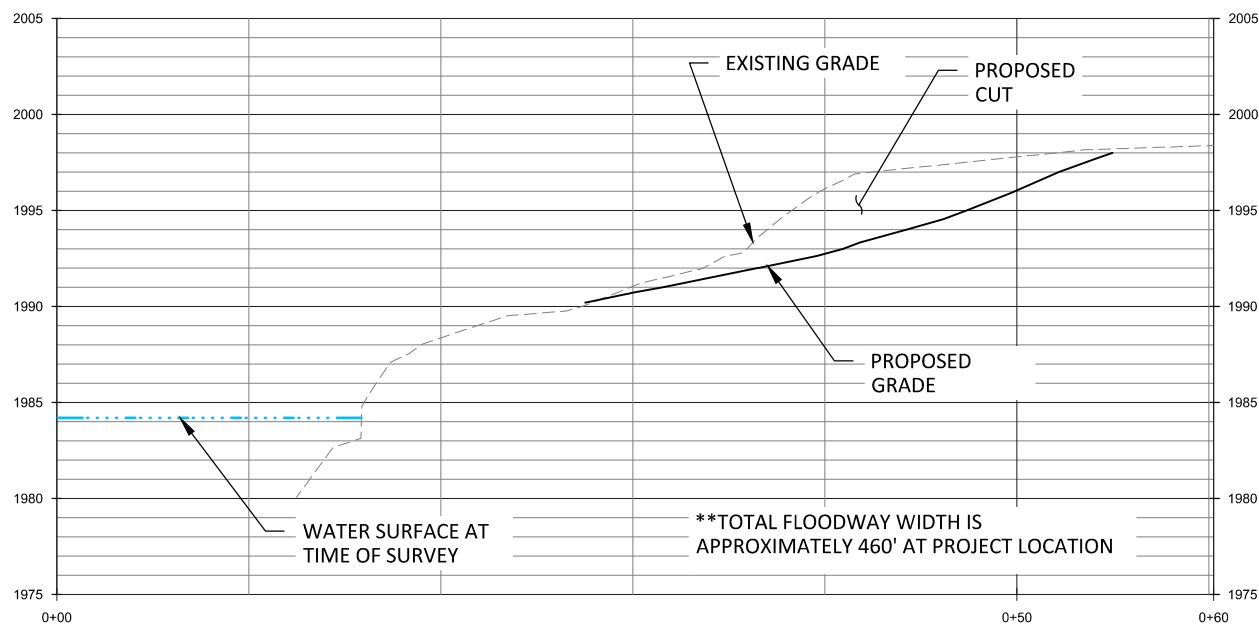
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Profile Along River Access Ramp Centerline (CL)

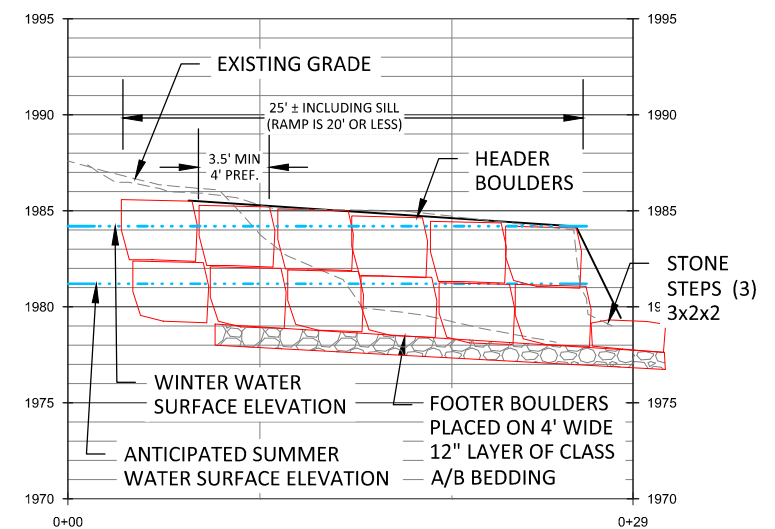


Photograph of Vane Location Looking Upstream



Profile Perpendicular to Stream Bank

\*ALL VANE BOULDERS 4x3x2.5' NOMINAL SIZE  
 VOLUME BOULDERS =  $25 \times 3 \times 2.5 \times 2 \text{ row} / 27 = 13.9 \text{ Cu. Yd.}$   
 VOLUME STONE STEP =  $3 \times 2 \times 2 \times 3 \text{ steps} / 27 = 1.3 \text{ Cu. Yd.}$   
 VOLUME CL. A/B BEDDING =  $25 \times \frac{1}{2} \times 4 / 27 = 3.7 \text{ Cu. Yd.}$



Vane Arm Profile



Revisions:

2/18/16 - Added stone fill dimensions / volumes for permitting

Date: February 15, 2016  
 Job Number: 005-14517  
 Project Engineer: JPM  
 Drawn By: JPM/JW  
 Checked By: AB





PROPERTY  
UNDER  
SURVEILLANCE

NO  
PARKING  
ANYTIME

NAI Beverly-Hanks  
AVAILABLE  
828-210-371

