

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

**MEETING: February 22, 2017**

**SUBJECT: Major Site Plan Review for Flex-4-Fitness**

**PRESENTER: Toby Linville**

**ATTACHMENTS: Staff Report**

**SUMMARY OF REQUEST: Request for Special Use Permit for Recreational Facility**

**SUGGESTED MOTION:**

**I recommend approval/denial of SUP-17-01 because the proposed use meets/does not meet the requirements of approval:**

- 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.**



## Henderson County, North Carolina Code Enforcement Services

### 1. Committee Request

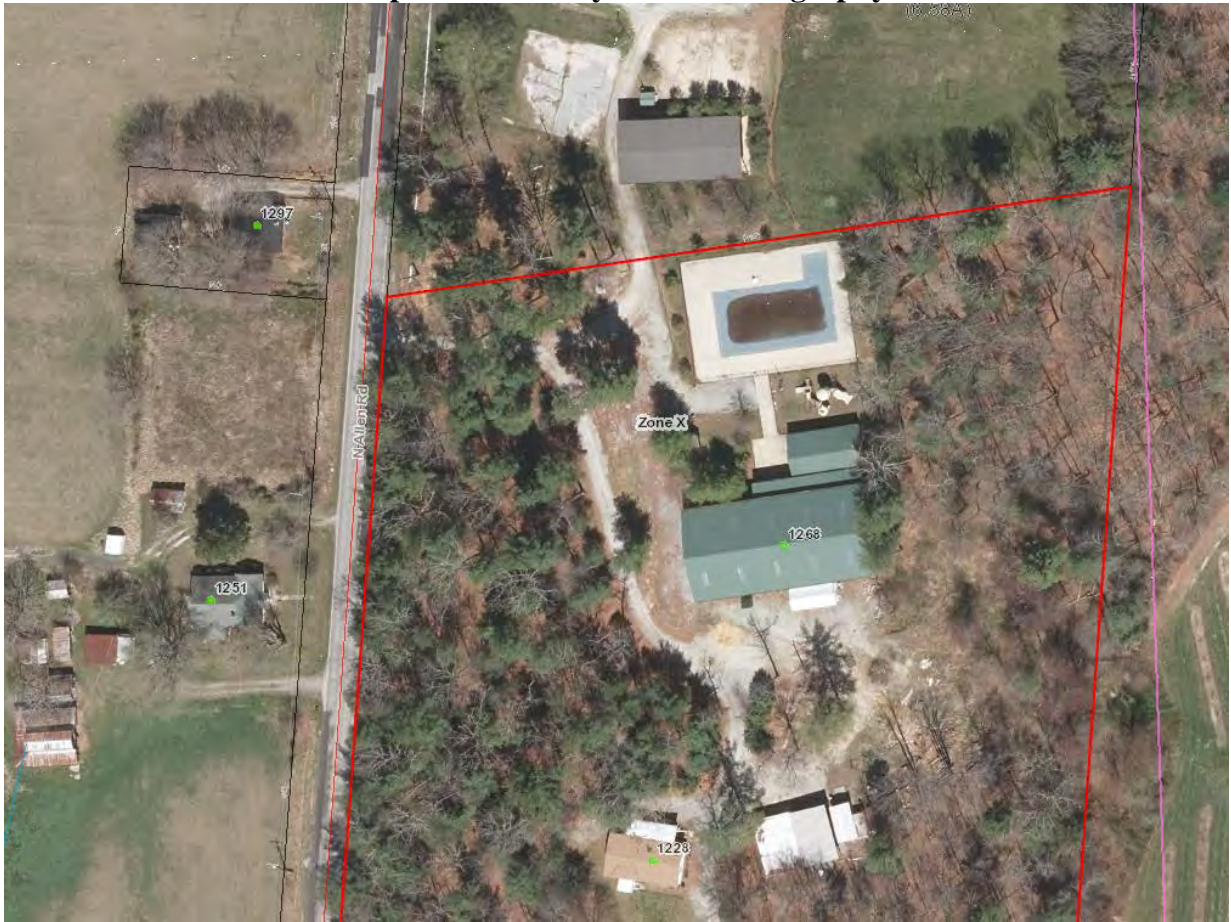
- 1.1. **Applicant:** Chris and Tangi Brown Flex-4-Fitness
- 1.2. **Request:** Major Site Plan Review
- 1.3. **PIN:** Portions of 9579957041& 9579946219
- 1.4. **Size:** 6.34 acres +/-
- 1.5. **Location:** 1268 N Allen Rd. (Former Camp Courtney)
- 1.6. **Supplemental Requirements:**

**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





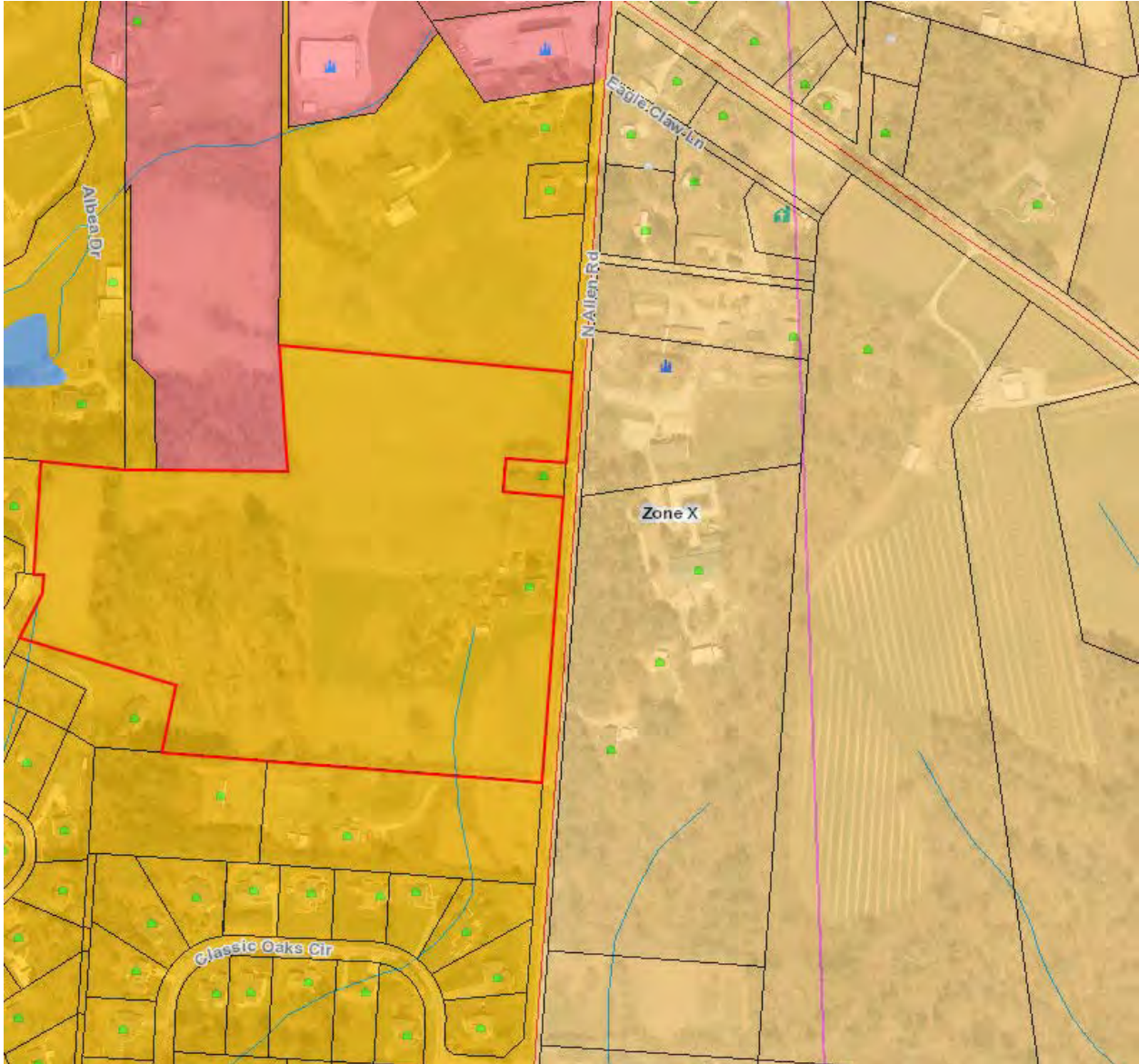
2. **Current Conditions**

**Current Use:** This parcel is currently vacant but was Camp Courtney

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

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

**Map B: Current Zoning**



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

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

**Public Water:** City of Hendersonville

**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 Urban Services area. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

The Urban Services Area is that area within which most urban services and urban scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020.

**6. Staff Recommendations**

Staff's Position at this time, under the guidelines of current plans, policies and studies, is to approve the Major Site Plan because it is consistent with the current surrounding land uses and future land use recommendations. The Technical Review Committee approved the Major Site Plan and recommended approval of the Special Use Permit.

**7. Photographs**

HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 1/17/17  
Previously Submitted (Circle One): Yes  No   
Date of Pre-Application Conference: 1/13/17  
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: Fitness Center SR #: 4.14  
Existing Structures or Uses on property: Gym, Pool, Basketball court  
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: 979946219 Deed Book/Page: 1678/587 Tract Size (Acres): 6.34  
Zoning District: R2R Fire District: Blue Ridge Watershed: \_\_\_\_\_ Floodplain: n/a  
Location of property to be developed: 1268 N. Allen Rd.

CONTACT INFORMATION

Property Owner:

Name: Upward & Others, LLC Phone: (828) 692-7333  
Address: 3737 Howard Gap Rd City, State, and Zip: Hendersonville, NC 28792

Applicant:

Name: Flex 4 Fitness Inc Phone: (828) 551-3618  
Chris & Tangi Brown



Address: 1570 Four Seasons Blvd

Application No. \_\_\_\_\_

City, State, and Zip: Hendersonville, NC 28792

**Agent:**

Name: Jeff Donaldson

Phone: (828) 696-5788

Address: 2968 Chimney Rock Rd

City, State, and Zip: Hendersonville, NC 28792

Agent Form (Circle One):    Yes    No

**Plan Preparer:**

Name: David Hill, Surveyor

Phone: (828) 693-1409

Address: 403W Blue Ridge Rd

City, State, and Zip: East Flat Rock, NC 28726

**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:

No, this use should actually promote health and well being as property will be used as fitness center.

B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.

No, use will actually make use of existing gym, pool and other structures already in place

C. General Requirement #3. The use will be in harmony with the surrounding area.

Yes, overall look will change very little

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.

Yes

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.

Yes

- 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.

Very little as use will be similar to the previous use of buildings, gym and pool areas

- 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.

Should be minimal

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).

In place and adequate

- b. Off-street parking and loading areas.

as shown on attached drawing

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

in place, city water, onsite sewer, elec

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

Area is already wooded with buffers in place

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

Gym pool and auxiliary buildings already in place as shown on attached drawing

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

Upward and Others, LLC by James G. Clarke, Attorney in Fact for C. Kenneth O'Leary

Print Applicant (Owner or Agent)  
Upward and Others, LLC by James G. Clarke, Attorney in Fact for C. Kenneth O'Leary

1/16/17

Signature Applicant (Owner or Agent)

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: \_\_\_\_\_



PLAT OF SITE PLAN  
FOR  
FLEX-4-FITNESS, INC.

BLUE RIDGE TOWNSHIP  
HENDERSON COUNTY  
NORTH CAROLINA

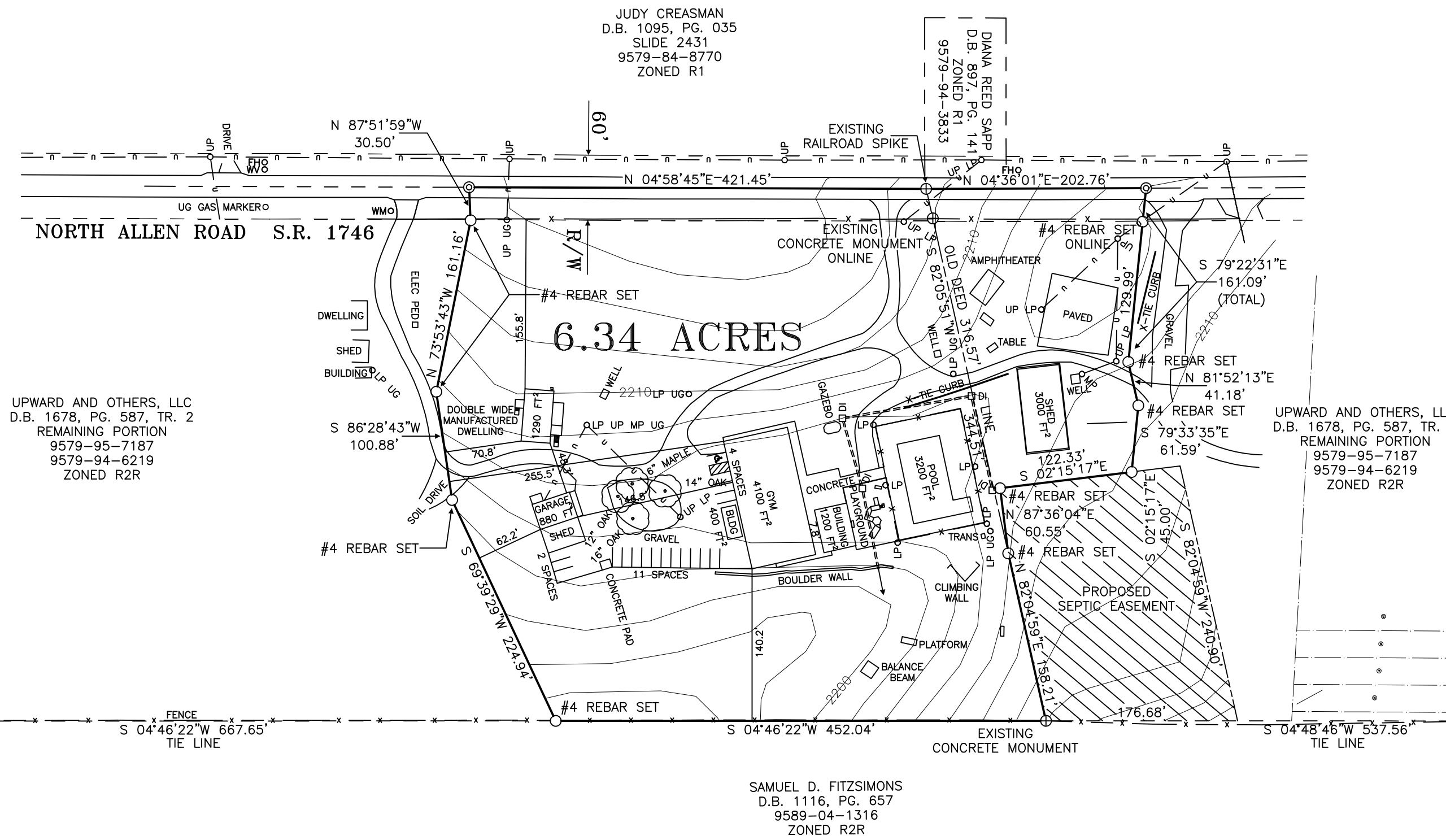
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JANUARY 13th, 2017

PLAT NORTH  
SLIDE 8960

UNCERTIFIED ELECTRONIC COPY

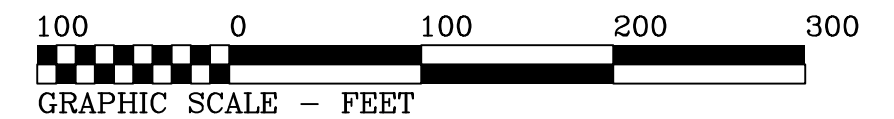
PROJECT DATA

-OWNER:  
FLEX-4-FITNESS, INC.  
CHRIS AND TANGI BROWN  
1570 4 SEASONS BLVD  
HENDERSONVILLE, NC 28792  
(828)595-9480  
-TAX NUMBER: 9579-95-7187 9579-94-6219  
-ACREAGE: 6.34  
-FIRE DISTRICT: BLUE RIDGE  
-ZONING DISTRICT: R2R  
-WATER SHED: N/A  
-FLOOD ZONE: "X" F.I.R.M. 3700957900J REVISED 10/2/2008  
-PROJECT WITHIN 1/2 MILE OF A FARMLAND PRESERVATION DISTRICT  
-PARKING REQUIREMENT- 16 SPACES



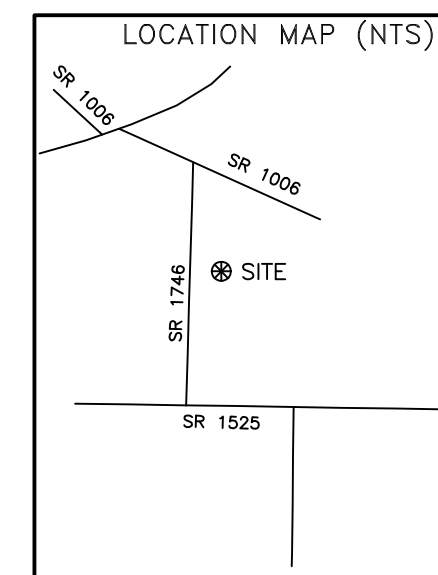
I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10000; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)  
Witness my original signature, registration number and seal this 13th day of JANUARY, A.D., 2017.

David H. Hill, NCPLS L-3863



- NOTES:
- 1- AREAS BY COORDINATE COMPUTATION.
  - 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
  - 3- THE PROPERTY SHOWN IS WITHIN AN AREA ZONED R2R BY HENDERSON COUNTY.  
SETBACKS:  
FRONT- 15' (FROM RIGHT OF WAY)  
SIDE- 10'  
REAR- 10'
  - 4- THE PROPERTY SHOWN IS WITHIN 1/2 MILE OF A FARMLAND PRESERVATION DISTRICT.
  - 5- THE CURRENT OWNER OF RECORD IS UPWARD AND OTHERS, LLC.

- LEGEND
- ⊕ MONUMENT FOUND AS NOTED
  - MONUMENT SET AS NOTED
  - POINT NOT STAKED
  - P-PED - PHONE PEDESTAL
  - UP - UTILITY POLE
  - PHP - PHONE POLE
  - TRANS - TRANSFORMER
  - TV-PED - CABLE TV PEDESTAL
  - WM - WATER METER
  - WV - WATER VALVE



DEED REFERENCES: AS SHOWN
TAX REFERENCES: AS SHOWN
PARTY CHIEF: DHH
REVISIONS:

SURVEY BY <b>HILL AND ASSOCIATES</b> SURVEYORS, P.A. LICENSE NUMBER: C-1991 DAVID H. HILL N.C.P.L.S. 3863 403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 (828) 693-1409	
CHECKED BY: DHH	DRAWING: 2500804
DATE: JANUARY 13th, 2017	DRAWN BY: DHH FILE: 25008





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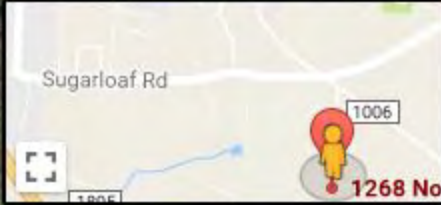


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W Allen Rd



Google

