

April 9, 2002
4:00 PM

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held a special called meeting on Tuesday, April 9, 2002, at 4:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Chairman Diane Grant, Tamra Crane, John Davis, Robert Fleming, Ann Pouch, Planning Director Karen Smith, Assistant County Attorney Jennifer Jackson, and Secretary to the Board Joyce Karpowski.

Chairman Grant called the meeting to order at 4:08 PM and introduced the members of the Board.

Chairman Grant called forward to be sworn in those who would be presenting testimony in the case scheduled to be heard. Sworn in were David Powlen, Mike Torrance, Julianne Heggoy, and Planning Director Karen Smith.

Case SU-02-03, Blue Ridge Community College

Chairman Grant called case SU-02-03 (SP-01-04A), Blue Ridge Community College, application to construct a baseball complex located on the corner of East Campus Drive and Allen Road (northeastern corner of the property). The property is zoned O&I.

Karen Smith gave a summary of the issues. Mrs. Smith said that she will fill in for Dan Gurley, Zoning Administrator, who had handled the case through the Planning Board, and she had been present at that meeting. Blue Ridge Community College has submitted an application for a Special Use Permit to construct a baseball complex on its campus in Flat Rock. Typically the Board of Commissioners hear Special Use Permits, but as allowed under Section 200-70C of the Zoning Ordinance, the Board of Commissioners can refer Special Use applications to the Board of Adjustment and has done so through a resolution dated March 11, 2002. They have delegated their approval authority of the application before you today. Section 200-69 of the Zoning Ordinance allows the Board of Adjustment to hear such cases on referral by the Board of Commissioners.

The proposed baseball complex will be located at the corner of East Campus Drive and South Allen Road in the northeast portion of the Blue Ridge Community College campus. It will occupy approximately 5 acres of the 133.91 acres that comprise the property. The property is zoned Office and Institutional, which states that colleges, universities, and vocational schools for post-secondary education and training require a Special Use Permit. The campus began development prior to zoning, but any new uses must comply with the Zoning Ordinance, which requires the Special Use Permit. Section 200-56D provides the 7 general site standards that all Special Uses must meet. Mrs. Smith pointed out that these site standards differ from the ones the Board is used to dealing with. Section 200-56D says in evaluating whether the general site standards have been met, the Board may consider the type and size of the principal use, size of the property and other relevant factors. It also states the applicant does not bear the burden of proving that all of the general site standards have been met, but will be required to produce evidence sufficient to rebut any evidence presented to the contrary. Mrs. Smith pointed out that the Board may impose conditions, based on evidence produced at the hearing. Section 200-70A contains the items that the applicant must make provisions for, such as ingress and egress, parking and loading, utilities, buffering,

playgrounds, open spaces, yards, access ways and pedestrian ways and building and structures. The Planning Board reviewed the application as required on March 19, 2002, and voted to send a favorable recommendation with conditions for this application. A memo including the recommendation and conditions was distributed to each Board member and to the applicant.

Ms. Jackson suggested that the Board see if Julianne Heggoy would like to be made a party to the proceedings. This was explained and Mrs. Heggoy was made a party to the proceedings.

Mrs. Smith presented the site map for the baseball complex and explained the area. Chairman Grant asked how wide East Campus Drive was. Mrs. Smith said about 18 feet wide. Mrs. Smith also presented pictures of the property and described each.

Chairman Grant asked for a representative of the college to come forward. Mr. Powlen came forward and started by addressing the parking and ingress and egress from the field. Mr. Powlen anticipates using East Campus Drive for primary access to and from the field. There are 48 spaces in existing parking lots and those parking facilities will be used now. There is a handicap accessible pathway that will be provided. The complex faces a North – Northeasterly direction. The dimensions of the field are 375 feet down the power alleys and 400 feet to center field, so it is a regulation NCAA baseball complex. Dugouts and bullpens are shown on the site plan and also an office and the storage facility has been changed to a locker room facility with concessions and toilets, which will be bid as an alternate, if the money is available. The college will be dealing directly with the bleacher manufacturer to provide the bleachers. Right now they would like 400 seats. In the future, there would be more bleachers and a batting cage. The surface will be natural grass with a dirt infield. There will be evergreen screening along the northern property line. When the field is graded it will sit down in a pocket, so the evergreen trees will sit up above to screen the apple orchard.

Chairman Grant asked if there will be a paved sidewalk from the parking area to the complex. Mr. Powlen said yes, it will be added. Chairman Grant asked how far it was from the parking to the complex. Mr. Powlen said it was approximately 400 feet from the handicap parking spaces to the stadium. Using the far lot, it would be about 1000 feet.

Mrs. Crane asked Mr. Powlen to show her where the main campus was. Mr. Powlen pointed out the main features and buildings on the site plan. Mr. Powlen showed different accesses to the campus.

Mr. Powlen said that Mike Torrance, a representative from GE Lighting was present and could answer questions about lighting. Mrs. Grant asked if the complex would be lighted for night time. Mr. Powlen said that the college intends to light the field, but that depends on funding.

Chairman Grant asked about the season for baseball and how many games would be played. The college would like to start in August and he's not sure how long the season runs, but they would start again in the spring and probably parallel the high school baseball season. Mr. Powlen said that they probably have 2 – 3 games a week, the majority day games at this point. Mr. Davis asked if the intent was to use this facility year round. Mr. Powlen said that as much as the weather would allow.

Mr. Fleming asked if there were a total of 400 bleacher seats, where would additional parking come from. Mr. Powlen said that the requirement now is 1 parking space for every 4 seats, so technically they need 100 parking spaces for the 400 seats and there is a parking area on either side of College Drive that can be used.

Chairman Grant asked Mr. Powlen to address the utilities issues. Mr. Powlen said he has spoken to the Hendersonville Water and Sewer Department and they will tap into an existing 8" water line on College Drive with a 3" water line for irrigation and domestic water. There is enough pressure and they just need to apply for what would be like a residential application. For the sewer there is a manhole in the parking lot that they will have to tap into and there is adequate capacity for runoff. They will still need to get a permit from the Department of Environment and Natural Resources and they are currently in the process of getting the permit. There will not be a great deal of sewage generated by the facility because of its part time nature. For soil erosion sediment control they will be making their submission to DENR tomorrow so they will be getting their grading and drainage permit. Mr. Powlen described their dealing with drainage runoff using catch basins before it gets to the field and showing on the site plan where it would be directed to a lake on the other side of College Drive.

Chairman Grant asked on whose property the lake was. Mr. Powlen said it was on college property.

Mrs. Crane asked if people would be likely to park along the road. Mr. Powlen said that he thought people would try and that would be an enforcement issue. They will be told not to and it is a foul ball area. People will be encouraged not to park there. Mrs. Crane said that the problem needed to be addressed with signage and enforcement. Chairman Grant asked if there would be any foliage along the road. Mr. Powlen said there are small trees on the plan and there are not plans for any more enhancement with plantings, but they could put up signs. Mr. Davis asked if there was a curb along the road. Mr. Powlen said no and East Campus Road is a private road. Mr. Fleming asked how wide the road was. Mr. Powlen said eighteen to twenty feet.

Mrs. Crane asked Mr. Powlen to show the parking spaces again – where and how many. Mr. Powlen pointed out the lot with 48 spaces, 4 of them handicap parking. In another lot there are a total of 217 parking spaces. Mrs. Crane asked how much seating would be provided by future bleachers. Mr. Powlen said future bleachers are shown at 400 seats, so ultimately there would be 1200 seats, but as the future seating is added, parking would have to be considered as part of that.

Mr. Fleming asked why the parking is so far away. Mr. Powlen said that the budget is tight and to get the NCAA caliber field, they need to use the existing parking.

Mrs. Pouch asked if a permit would be necessary for the future bleachers. Mr. Powlen said that was why they were showing the future seating, so they wouldn't have to come back. Mrs. Crane said if the Board approved the plan with the future seating, there isn't enough parking to accommodate that. Mr. Powlen said at the 1:4 ratio, they would need 300 spaces and would be about 40 short. Mr. Powlen said that a limitation could be placed that adequate parking must be supplied for the number of bleachers. Mr. Powlen said that there was more parking available at the college. Mr. Powlen said that estimates from the college say that, even on busy days, the parking lot is only one third to one half full. Mrs. Crane questioned whether 1000 feet away was too far to be considered parking for the ball field. Mr. Powlen said no and that people would be willing to walk the distance. Mrs. Crane asked if they considered increasing the handicap parking to more than 4. Mr. Powlen said that it would have to be addressed as more seats go in and he did not know what the ratio of handicap seating was and this will probably have to be looked at and some spaces re-stripped.

Mr. Fleming asked about the bleachers and if they were governed by any codes. Mr. Powlen said that drawings must be supplied with a seal from an engineer in North Carolina. Mr. Powlen is not sure who has to review them or if it needs permitting. Mr. Fleming asked about OSHA and Mr. Powlen said they rely on the seal. Mr. Powlen said that the bleacher manufacturer is a reputable company doing bleachers all over the country.

Mrs. Crane asked about the evergreen trees. Mr. Powlen said they would probably be white pines to grow quickly and probably be put in at 6 – 8 feet to fill in over time. Mrs. Crane asked about the trees along the road. Mr. Powlen said they are existing trees and they will be relocating 2 of them.

Mr. Fleming asked if they felt any roads would need speed bumps. Mr. Powlen said that people leaving would probably be leaving by College Drive and didn't anticipate any speed problem.

Chairman Grant asked Mrs. Heggoy if she had any questions. Mrs. Heggoy said that her main concern was parking on East Campus Road and watching the games from a bank on the south side of the road and also from a driveway on the north property line of Mr. Newman. Mr. Powlen said that there will be a vegetative barrier on the northern property line along with the present fence so that the view would not be very good. Mr. Powlen said that some people may decide to sit on a little hillside to watch the game. Mrs. Heggoy was concerned about traffic going too fast on a curve. Mrs. Crane asked where Mrs. Heggoy's property was and it was pointed out. Mrs. Crane asked how far she was from the road. Mrs. Heggoy pointed out where her house was and said that she has a good view of the complex. Mrs. Heggoy said that the college has been a splendid neighbor.

Mrs. Crane asked about the drive on the north, if it was a road or driveway. Mr. Powlen said that it was a gravel drive that went into the orchard.

Mrs. Crane asked what the buildings, the storage and dugouts, were going to look like. Mr. Powlen said that the buildings would be split face block material, probably brownish in color, with a standing seam metal roof, the color to be determined. The dugouts will be 90 feet in length, with 70 feet of seating, 1 restroom, plus a 10' X 10' storage closet on the end. The concession restroom area has 7 fixtures on each side, one side for men, and one side for women. It will have a concession area inside, not for cooking, but with receptacles for plugging in small appliances. The coach's office will be year round for a coach and assistant, with computer facilities and restroom and shower facilities.

Mrs. Crane asked if the dugouts would be below ground. Mr. Powlen said they have to be flush with the ground to meet ADA requirements.

Mr. Fleming asked how a baseball field could be made handicap friendly for spectators. Mr. Powlen said the bleachers would be raised about 4 feet from the ground with a ramp on one side leading to the front landing of the bleachers and then cutouts in the seating for wheelchairs to fit in. The facilities in the concession building will have 1 or 2 handicap accessible units. The dugouts are flush with grade and the restrooms in the dugouts are handicap accessible.

Chairman Grant asked about the lighting. Mr. Powlen introduced Mike Torrance from GE Lighting. Mr. Torrance brought a light fixture with him. He said there is an external visor to send the light straight down so there isn't any light spill around the poles. The light is directed straight down to the field. The light bounces off the visor and shoots straight down. They can control the light issues with neighbors and roads. Chairman Grant asked how many lights there will be. Mr. Torrance said there will be 8 poles and he described where they would be placed around the field. There will be 80 – 85 fixtures divided between the 8 poles. Mr. Torrance said that they can control the light spill issues with the shields on the fixtures. Mr. Torrance said that the light can be zoned exactly where they want it and it can be shown on a computerized drawing what the light levels will be so many feet away from the field. Usually from about 100 feet away, it looks like a street light, so there shouldn't be any issues with spill light with neighbors or I-26.

Mr. Davis said that it was nice to see the lighting technology changing so there aren't issues with the neighbors and that it is more cost effective to put the light where it is needed. Mr. Davis said that more and more of the cases are concerned with lighting.

Mrs. Smith asked if there were any examples in the County where the lighting is being used. Mr. Torrance said McCormick Field, just about every high school (he named several), Cherokee County Parks, Jackson Park, and he named several universities. Mr. Davis asked if they supplied the lighting for the new Southern Tee Golf Course in Fletcher. Mr. Torrance said that he didn't know, although they are starting to light some par 3 golf courses. Mrs. Crane asked about West Henderson High School and Mr. Torrance said they did light that field. Mr. Torrance named several more schools. Mrs. Crane said that at West Henderson High there is a lot of light but the light goes down onto the field and not into the neighborhood.

Chairman Grant asked if there were any other questions about lighting. There were none. The Board thanked Mr. Torrance for his presentation.

Chairman Grant asked what kind of signs would there be and where. Mr. Powlen said there will be a flagpole and scoreboard in the right center field area. Right now the college is looking for sponsors. The scoreboard will be the usual baseball type scoreboard. They hope to have a control for the scoreboard in the press bleacher or hometown dugout. Mrs. Crane said that there was a sign at the entrance to Allen Road on the site plan. Mr. Powlen said that sign is existing. Mr. Powlen said that probably on the backside of the scoreboard there would be a sign, although he doesn't know what the field will be named.

Chairman Grant spoke about the buffer strip at the back of the field and that it would probably be required that the buffer strip meet the requirements of the Zoning Ordinance. Mrs. Crane said that the buffer should remain there and be maintained and not be removed.

Chairman Grant asked if the Board had any more questions for the applicant. There were none. Chairman Grant asked if Mrs. Heggoy had any questions for the applicant. Mrs. Heggoy said that she had none. Chairman Grant asked if anyone wished to speak in opposition to the application. There was no one.

Chairman Grant asked for discussion. Mrs. Pouch asked about the memo. Chairman Grant said that the Planning Board was making recommendations to this Board, but it is up to this Board to make requirements based on those recommendations and the Board's findings, if the application is approved.

The Board discussed the recommendations of the Planning Board. The Board discussed the fencing described on the site plan. Mr. Powlen said that the outfield fence would be a 10' high chain link fence. There is a 50' section to either side of dead center field of coated PVC and that is to help the hitters and the color may be black or green. The rest of the fencing will be 6' chain link fence, including around the bullpen. The backstop will be a 4' high wall and then netting because it is easier to see through. Poles will be about 25' high with the netting suspended from them.

Chairman Grant said that the Board should now establish the findings of fact and conditions to be placed on the permit if granted.

Mrs. Crane asked about Section 200-56B having the requirements for a Special Use Permit and then there was a memo from Mr. Gurley. Mrs. Crane said that she doesn't have the memo from Mr. Gurley. Mrs. Smith said that Mr. Gurley just referred the Board to that Section. Mrs. Crane said that it was very similar to Conditional Use Permits.

The Board discussed the Zoning Ordinance and which version of the Ordinance they had.

Mrs. Smith said that if the Board has not heard evidence that the applicant does not meet a requirement, then there's no condition that can be placed. Chairman Grant said that the applicant has stated that there will be no parking along the street and it will be enforced. Therefore, that can be one of the conditions. Mrs. Crane said that she wanted to make sure that is a condition because she is concerned about the safety issue of parking on the street and wants to make sure the applicant addresses the issue aggressively with signs and enforcement. Mr. Davis wanted the parking condition added to the 5 Planning Board recommendations, since he is in agreement with all of them. Chairman Grant said that she would like to see the sidewalk requirement and the buffer strip requirement and no on street parking as conditions. Mrs. Crane wanted to expand on the buffering. Chairman Grant read the buffering requirement from the Ordinance. Mrs. Crane said there was no height specified in the Ordinance.

Chairman Grant said she would entertain a motion to amend the motion to require the 5 areas set forth in the Planning Board's recommendation concerning lighting, utilities, soil erosion, drainage, and pedestrian access be incorporated into the Board's decision. In addition, a handicap accessible paved sidewalk be required from the parking area to the access ramp, the buffer strip as described in the definitions of the Zoning Ordinance be required and must be maintained at all times. Condition number 8 would be no on street parking along East Campus Drive shall be permitted and must be enforced with signage and enforcement. The Board discussed South Allen Road and decided it was further away and a public road. Condition number 9 would be adequate parking as required by the Ordinance must be provided in accordance with the number of bleacher seating constructed. Mr. Fleming said that he was concerned about lighting from the parking area 1000 feet away to the baseball complex. Mr. Powlen said that the parking lot is currently lighted. Chairman Grant asked about the strip from the parking lot to the baseball complex. Mr. Powlen said that the parking lot is lighted and there is spillover light and he believes there are one or two pedestrian style lights shown along the sidewalk. Chairman Grant said to go back to number 6 and insert the words "adequately lighted" before paved sidewalk. Chairman Grant asked if there were any other concerns. No one spoke.

Mrs. Smith stated that the Planning Board recommendation stated that the applicant should address in a written statement or on a revised site development plan the items in its memo, if the Board wanted the submissions in accordance with what was heard today. Chairman Grant said to just make sure those things are done. Mrs. Smith said the minutes can be referred to. Mrs. Crane said that the plan should be part of the evidence.

Chairman Grant closed the public hearing. Chairman Grant asked for a motion including the findings of fact. Mrs. Crane said as far as the proposed use adversely affecting the health and safety of persons working or residing in the neighborhood, she feels the Board has covered that with the walkways, and the no parking along the street, adequate parking, lighted access to the ball field from the parking lot, and having addressed the possible problem of people parking on the street. Chairman Grant said that from the site plan and everything presented there is satisfactory ingress and egress to the property, provisions for off-street parking, utilities are covered under the requirements, buffering is also covered, landscaping is shown on the site plan, and the location and size of the structures are shown on the site plan. Chairman Grant said that she didn't see anything that would cause injury or damage to the adjoining property owners or the public. Chairman Grant said that with those findings having been made, she would entertain a motion that the application be approved with the conditions just specified being placed on the Permit.

Mr. Davis said with regard to the application of Blue Ridge Community College for a Special Use Permit authorizing the operation and building of a baseball complex on the property in question, I move the Board to make the following findings of fact and grant the permit: that the proposed use will not affect the health and safety of persons residing or working in the neighborhood of the proposed use and the proposed use will not be detrimental to the public welfare or injurious to

property or public improvements in the neighborhood, with conditions 1 – 9 previously discussed. Mrs. Pouch seconded the motion. There was no further discussion.

The following vote was taken by a show of hands:

Mr. Fleming	-	yes
Mrs. Crane	-	yes
Mrs. Grant	-	yes
Mrs. Pouch	-	yes
Mr. Davis	-	yes

Motion carried and the Special Use Permit was granted with conditions.

This concluded the hearing of cases.

Chairman Grant said that since this was a special called meeting, Committee and Staff Reports would not pertain.

The Board was reminded that the next regular meeting of the Board of Adjustment was scheduled for Wednesday, April 24, 2002, at 4:00 PM in the Meeting Room of the Henderson County Land Development Building.

There being no further business, Tamra Crane made a motion to adjourn, Ann Pouch seconded the motion, and all members voted in favor. The meeting was adjourned at 5:40 PM.

Diane Grant, Chairman

Joyce Karpowski, Secretary