

## **REQUEST FOR BOARD ACTION**

### **HENDERSONCOUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** August 19, 2020

**SUBJECT:** Public Hearing for Conditional Rezoning Application #R-2020-02-C, Horseshoe Farm, Residential Two (R2) to Conditional District (CD-2020-02)

**PRESENTER:** Matt Champion, Project Development Planner  
Autumn Radcliff, Planning Director

**ATTACHMENTS:**

1. Aerial Map
2. Staff Report
3. Neighborhood Meeting Summary
4. Site/Master Plan
5. Signed List of Conditions
6. Certification of Public Hearing Notification
7. Resolution of Consistency
8. Planning Staff PowerPoint Presentation

#### **SUMMARY OF REQUEST:**

Conditional rezoning application #R-2020-02-C was initiated on March 17, 2020 and requests that the County conditionally rezone approximately 79.59 acres of land from Residential Two (R2) zoning district to a Conditional District (CD-2020-02). The acreage consists of 6 parcels. The property owner is SEN-Asheville I, LLC. John Turchin will be serving as agent.

The applicant is proposing a mixed development that contains short term rental cottages, dining facility, clubhouse, spa and yoga studio, equestrian center/riding ring, special events meeting space, horse trailer/RV parking area, and arts/crafts space.

Conditional Districts allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses.

As required by the LDC, a neighbor compatibility meeting was held on Wednesday, May 27, 2020. A copy of the meeting report is included in the agenda item.

The Technical Review Committee (TRC) reviewed the application on June 16, 2020 and made a motion to forward the application to the Planning Board with conditions as discussed.

The Planning Board reviewed the application of June 18, 2020 and voted to send forward a favorable recommendation.

**PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the August 19, 2020 public hearing regarding rezoning application #R-2020-02-C was published in the Hendersonville Lightning on August 5<sup>th</sup> and August 12<sup>th</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on August 3, 2020 and posted signs advertising the hearing on August 3, 2020.

**BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing.

If the Board approves the rezoning, any conditions of approval should be stated with the motion. The Board must also adopt a resolution of consistency with the CCP.

Since a conditional zone is proposed by the applicant, and since, pursuant to N.C. Gen. Stat. §160D-703(b), “only those conditions mutually approved by the . . . petitioner may be incorporated into the zoning regulations”, *prior* to the Board giving final approval, should it be so inclined, the Board must, secure the applicant/petitioner’s agreement to any conditions proposed by the Board. The attached “(Proposed) Conditions” referred to above have already been approved by the applicant and have space for the addition of more proposed conditions as a result of today’s Board action. As a result of §160D-703(b)’s requirement, a bifurcated procedure is proposed, as below.

If the Board is inclined to approve this matter, either of the motions, below, is suggested:

**Suggested Motion 1** (no conditions beyond those previously agreed by applicant):

**I move that the Board approve with the previously agreed conditions, rezoning application #R-2020-02-C to rezone the Subject Area to a Conditional District (CD-2020-02) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff and master plan report and additional conditions as previously agreed by the applicant, and;**  
**I move that the Board approve the attached resolution regarding the consistency with the CCP.**

**OR**

**Suggested Motion 2** (new conditions proposed and not yet agreed by applicant):

**I move that the Board give preliminary approval, subject to the applicant’s agreement in writing to the proposed additional conditions stated by the Board, to rezoning application #R-2020-02-C to rezone the Subject Area to a Conditional District (CD-2020-02) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff and master plan**

**report and additional conditions as discussed, and I further move that this matter come back before this Board later in this meeting for a final vote after the proposed additional conditions are reviewed by the applicant and either agreed to or rejected.**

If Suggested Motion 2 was approved, and after the applicant has either agreed to or rejected the Board's additional proposed conditions, and the Board is inclined to approve the rezoning, the following is suggested:



**Suggested Motion:**

**I move that the Board approve with the previously agreed conditions, including those agreed today, rezoning application #R-2020-02-C to rezone the Subject Area to a Conditional District (CD-2020-02) based on the recommendations of the Henderson County Comprehensive Plan, and with any conditions stated in the staff and master plan report and additional conditions as discussed, and;  
I move that the Board approve the attached resolution regarding the consistency with the CCP.**

Conditional Rezoning R-2020-02-C  
Applicant: Sen-Asheville I, LLC  
Total Area: 79.59 acres  
Current Zoning: R2

# Existing Land Use Map



-  Subject Area
-  Streams
-  Streets
-  Parcels

0 100 200 400 600 800 Feet

This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this map. Henderson County and the mapping company



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**Henderson County Planning Department Staff Report**  
**Conditional Rezoning Application #R-2020-02-C (R2 to CD)**

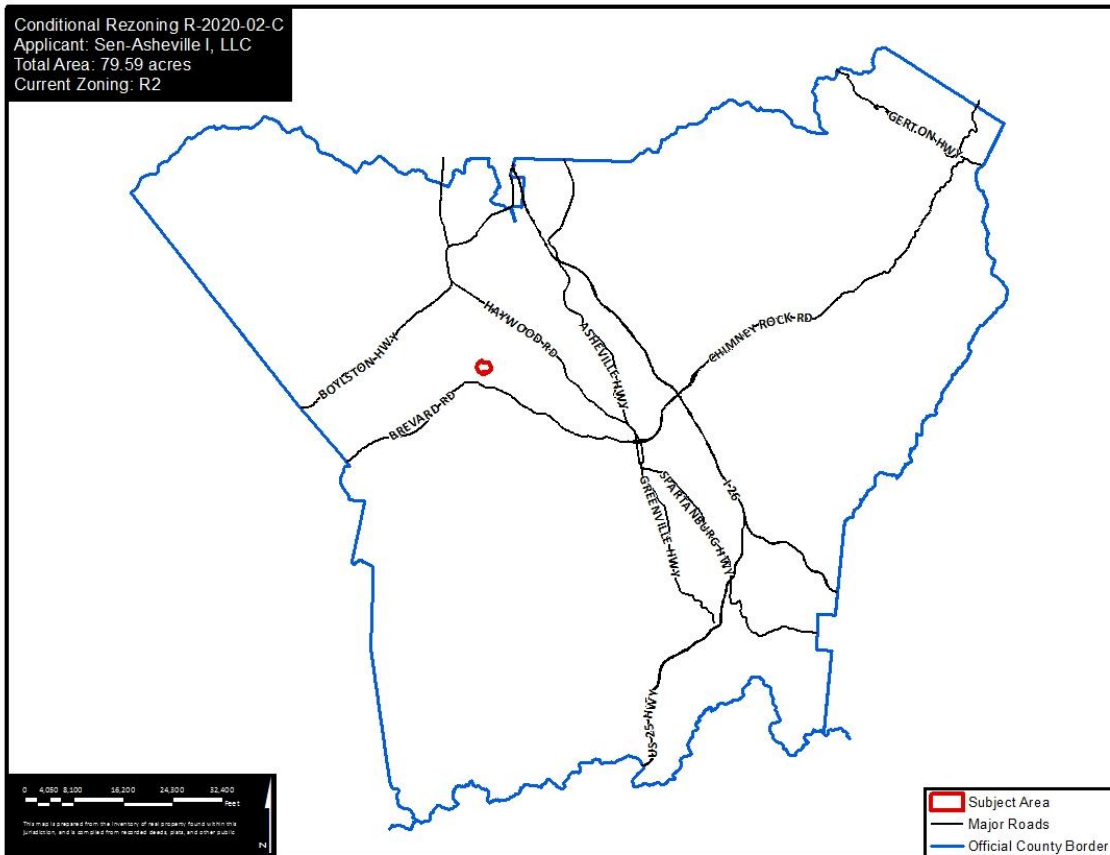
**Owner(s)**  
**SEN-ASHEVILLE I, LLC (John Turchin, Agent)**

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**1. Rezoning Request**

- 1.1. **Applicant:** SEN-Asheville I, LLC
- 1.2. **Property Owner:** SEN-Asheville I, LLC (John Turchin, Agent)
- 1.3. **PINs:** 9640-21-6060, 9640-11-6673, 9640-30-4804, 9640-21-6420, 9640-31-1473, & 9640-31-4154
- 1.4. **Request:** Conditionally rezone the subject area from a Residential Two (R2) zoning district to a Conditional District (CD-2020-02).
- 1.5. **Size:** Approximately 79.59 acres of land
- 1.6. **Location:** The subject area is located on South Rugby Road (SR 1312) approximately a half mile north of Brevard Road (US 64) and south of Haywood Road (NC 191). The western boundary of the site runs parallel to the French Broad River.

**Map A: County Context**



Map B: Aerial



**2. Current Uses of Subject Area and Adjacent Properties**

- 2.1. **Subject Area Uses:** The subject area is primarily used for agriculture and residential purposes. There are currently several residential homes on the subject area, including: garages and barns, room accommodations on the upper level of the main barn, and an on-site dining facility used by the previous owner for guests (See Map B).
- 2.2. **Adjacent Area Uses:** The surrounding properties contain mainly agriculture and residential uses with nearby commercial uses.

**3. Current Zoning**

3.1. **Application of Current Zoning:** The subject area is currently zoned Residential Two (R2). (See Map C).

3.2. **Adjacent Zoning:** The subject area is adjacent to mainly Residential Two (R2) zoning. There is a section of Residential Two-Rural (R2R) zoning across the French Broad River to the west and Community Commercial (CC) to the south at the intersection of South Rugby Road (SR 1312) and Brevard Road (Hwy 64).

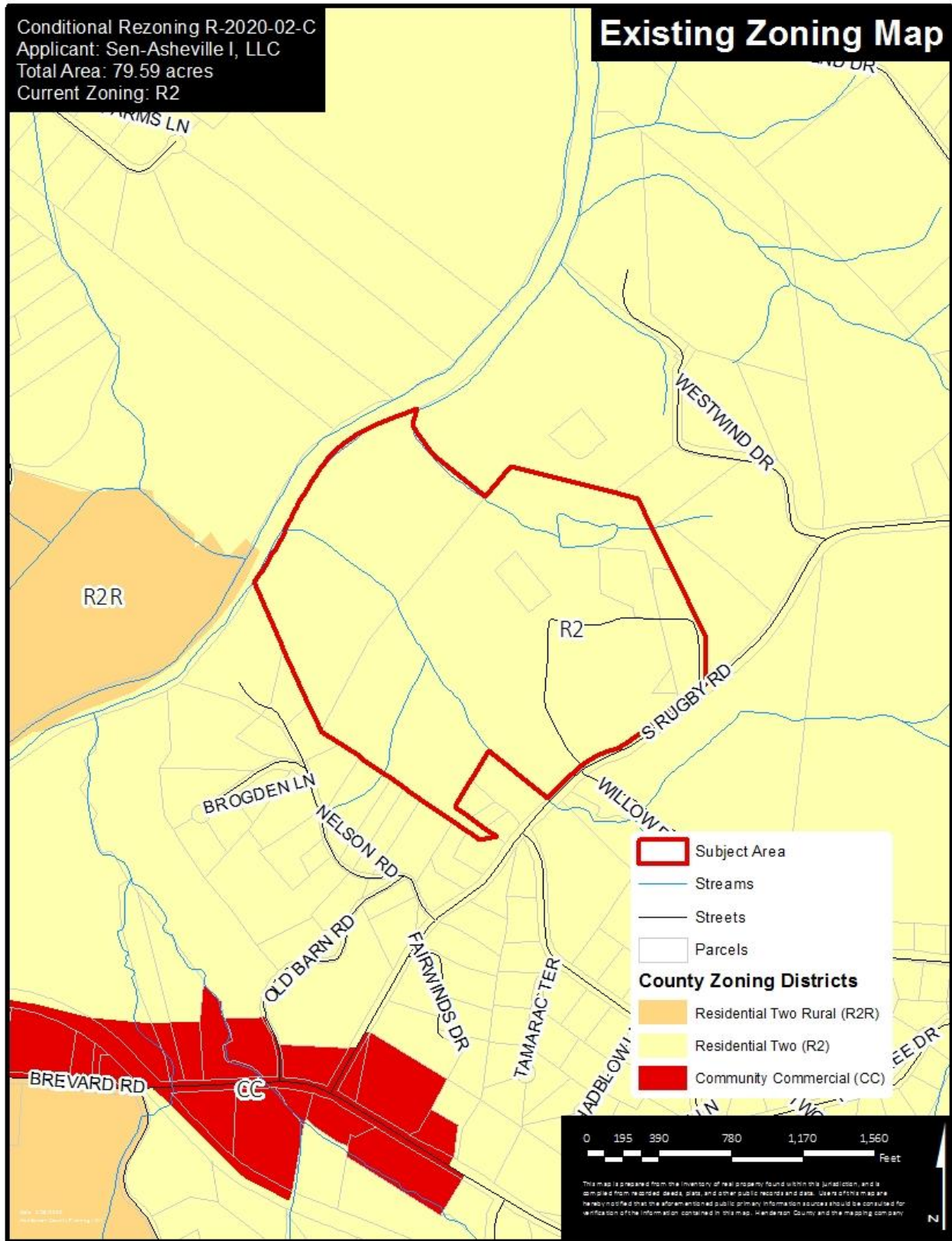
**3.3. District Comparison:**

3.3.1. **Residential Two (R2):** “The purpose of Residential District Two (R2) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density *residential development* consistent with the recommendations of the *Comprehensive Plan*. It is also the intent of this district to allow for flexibility in the continuation of existing nonresidential *uses*. This general *use district* is typically meant to be utilized in areas designated as Transitional (RTA) in the *Comprehensive Plan*.” Standard density is one unit per acre with a max density of two units per acre (LDC §42-28).

3.3.2. **Conditional District (CD):** “Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning” (Chapter 42, Land Development Code §42-45). Conditions may be imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan.

3.4. **Water Supply Watershed:** The subject property is located within a WS-IV-PA and allows a maximum built upon limit of 24% under the Low-Density option.

### Map C: Current Zoning





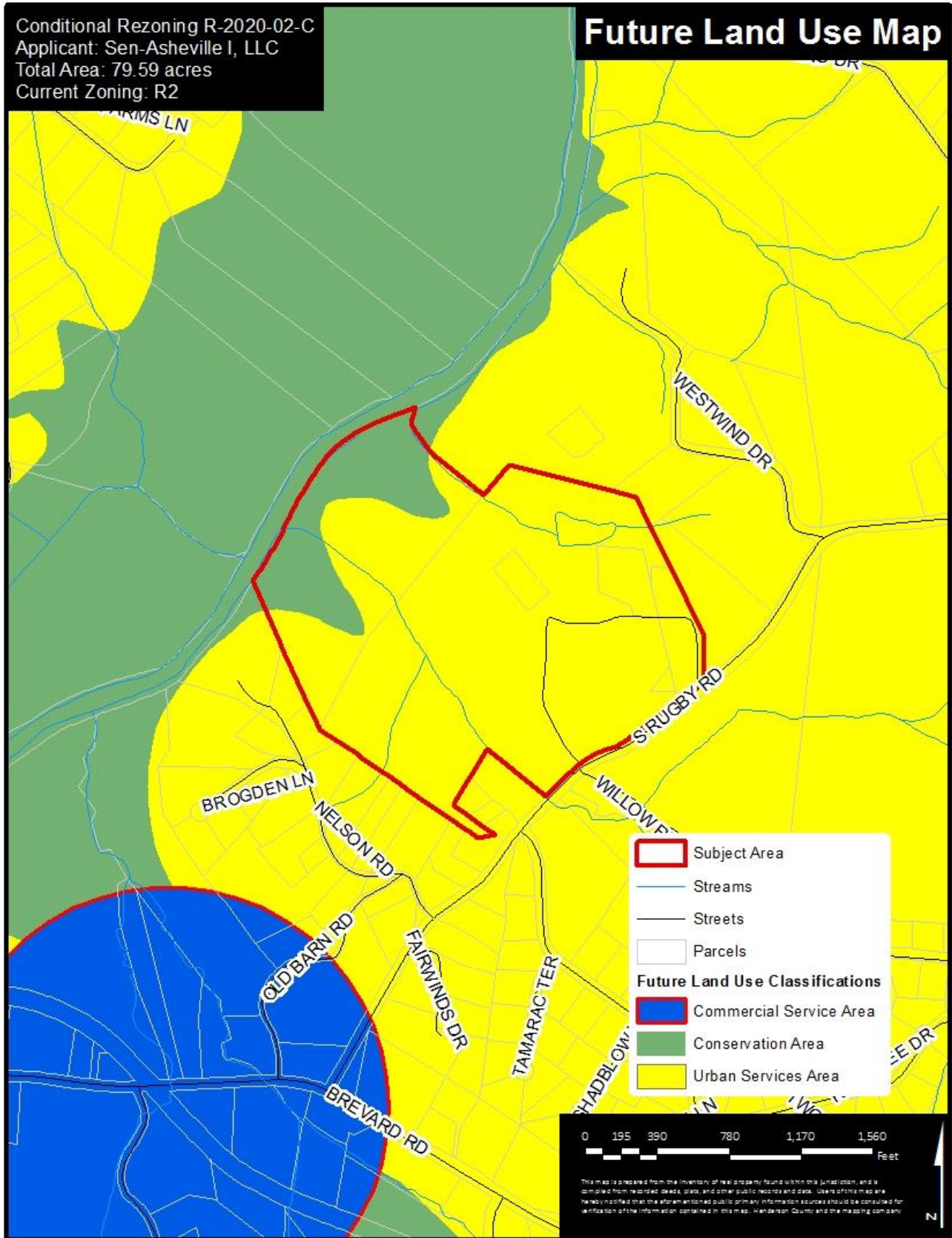
**4. The Henderson County Comprehensive Plan (CCP)**

4.1. The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area (USA) with a small portion of the subject area along the French Board River being located in the Conservation area. A Community Service Center node is located to the south of the subject area (CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map D).

4.1.1. **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (CCP, Pg. 129).

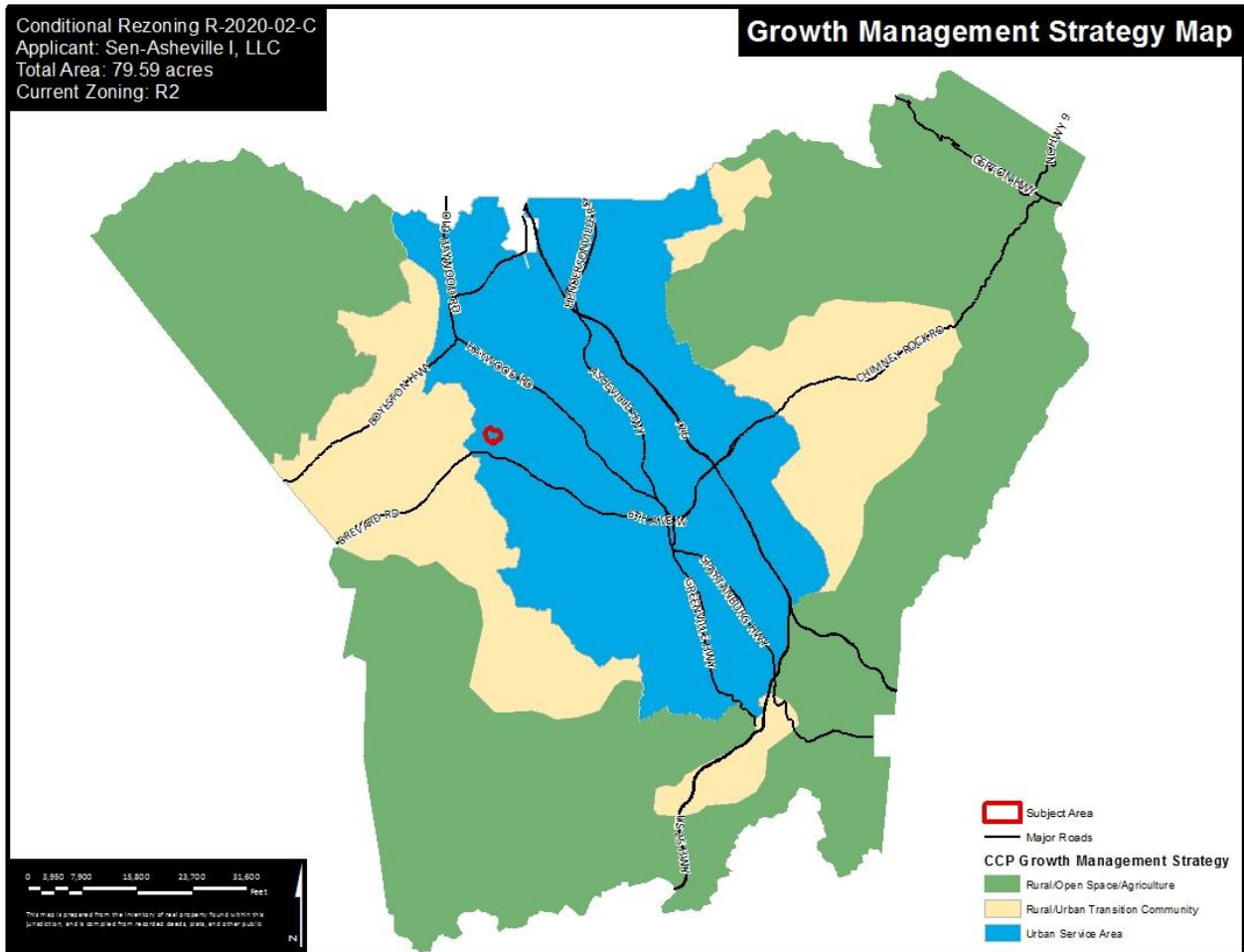
4.1.2. **Conservation:** This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following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

Map D: County Comprehensive Plan Future Land Use Map

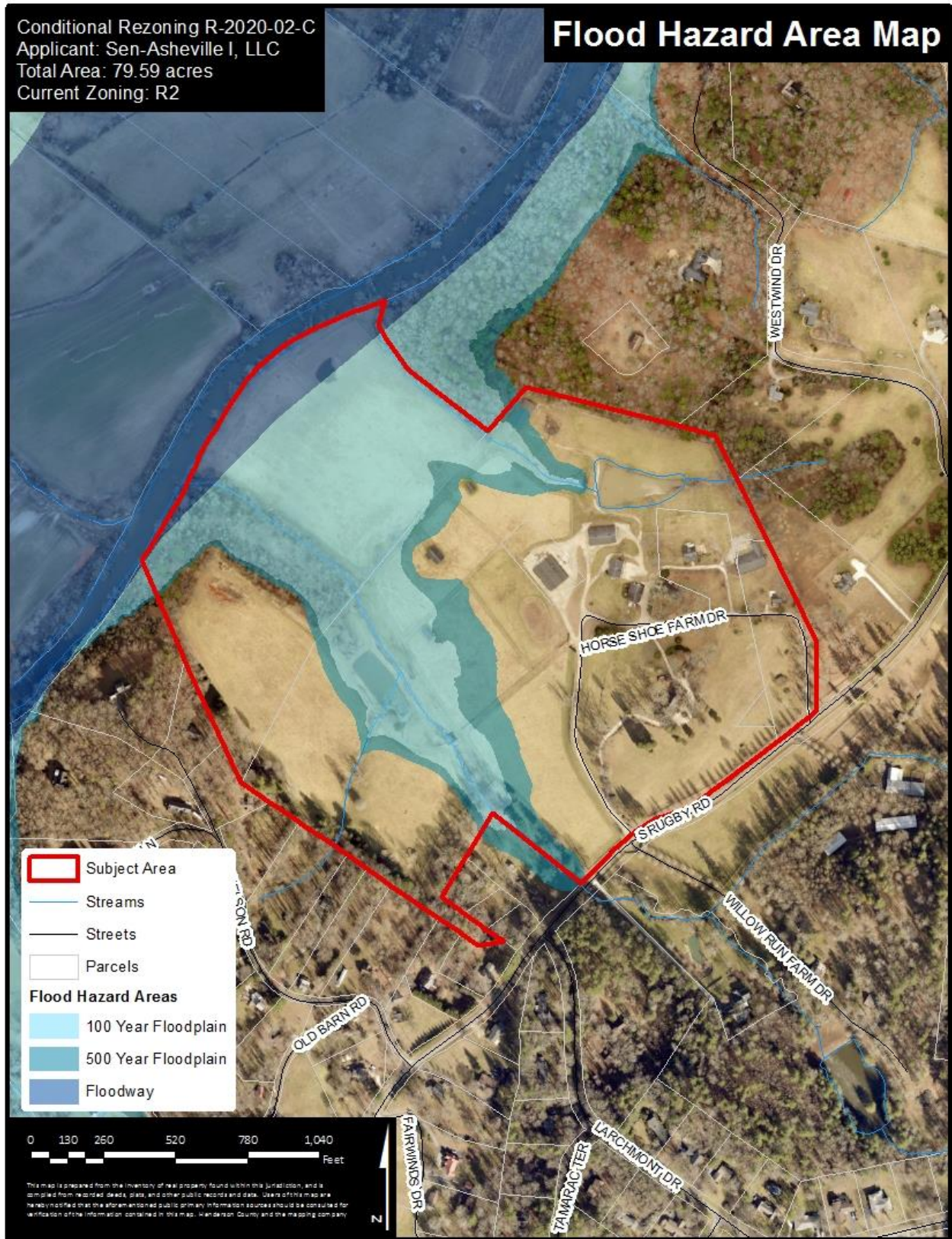


4.1.3. **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.” (CCP, pg. 133, #4.) (See Map E)

**Map E: Growth Management Strategy Map**



### Map F: Floodplain Map



## 5. Floodplain

- 5.1. **Floodway:** Most of the identified flood prone area within the subject area is in the floodway or non-encroachment area (See Map F). The LDC does not allow structures in the floodway unless it is a functionally dependent facility, such as docks, new water or sewer lines, streambank restoration projects, recreational uses (excluding enclosed structures) and bridges.
- 5.2. **Floodplain:** The subject area contains both the 100-year and 500-year floodplains (See Map G). Structures are permitted in this area provided they are elevated, and up to 20% of this area may be filled by right.
- 5.3. **Density Calculation:** The Board of Commissioners approved an LDC Text Amendment during their November 20, 2019 meeting that changed how a developer calculates density. The developer can only use the acreage of the subject area outside of a floodway to calculate density.

## 6. Water and Sewer

- 6.1. **Public Water:** The applicant has applied to utilize public water. City of Hendersonville water currently serves the existing structures at the project site along South Rugby Road (SR 1312). Should the applicant not utilize City of Hendersonville water, the applicant has indicated all proposed units will install individual well systems.
- 6.2. **Public Sewer:** The applicant is proposing individual septic systems to serve each of the proposed residential units as well as the lots making up the development's common area.

## 7. Etowah-Horse Shoe Community Plan

The Henderson County Board of Commissioners adopted the County Comprehensive Plan (CCP) on July 6, 2004. A principal recommendation of the CCP is the detailed study of individual communities within the County. The Etowah-Horse Shoe (EHS) Community Plan is a community specific comprehensive plan that outlines future goals related to land use and development, community character and design, natural and cultural resources, agriculture, housing, community facilities and public services, transportation and economic development as it relates to the CCP. The Board of Commissioners by resolution took action on the EHS Community Plan on September 16, 2009. On November 17, 2010, the Board of Commissioners, after holding a public hearing, adopted the zoning map amendments recommended in the EHS plan with modifications.

## 8. Proposed Conditional District

- 8.1. **Proposed Use:** The applicant is proposing to use the site for residential type development, that incorporates common area that will include a spa/wellness advertising treatments and culinary services to both permanent residents and guests. Based on the number of uses proposed, the applicant is requesting a Conditional District to allow more flexibility in design. The Conditional District will also allow the Planning Board to recommend, and the Board of Commissioners to place conditions or restrictions on the property as needed. The applicant proposes the following uses:
  - 36 Residential Units (Project Total)
  - Average Density of 0.452 units per acre
  - 76 Residential Parking Spaces

- 12 Spa/Wellness Facility Parking Spaces
- 7 Horse Trailer Parking Spaces
- 11.3% impervious surface area (approximately 9.03 acres)
- 56.054 acres of Open Space (70.4%)
- Common Area and Development Amenities
  - On site dining and kitchen facility (approximately 3,000 SF)
  - Barbecue Area (approximately 800 SF)
  - Club house (approximately 2,720 SF)
  - Spa/Equestrian Barn (approximately 8,670 SF)
    - Including 5 Guest Rooms
  - Event Building/Storage Facility (approximately 6,035 SF)
  - Arts & Crafts/Maintenance Building (approximately 2,580 SF)
  - Yoga Studio/Event Building (approximately 5,365 SF)
  - Riding Ring
  - Maintenance & Storage Building (approximately 5,365 SF)
  - Rental Cottage Lot (10 Units)
  - Pool
  - Horse Trailer/RV Parking Area

## 9. Staff Comments

- 9.1. **The CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the Urban Services Area and Conservation classifications. The text and map of the CCP suggest that the subject area would be suitable for residential development.
- 9.2. **Adjacent Zoning:** The subject area is adjacent to Residential Two (R2) zoning and Residential Two Rural (R2R) to the west across the French Broad River. Community Commercial (CC) is nearby to the south of subject area.
- 9.3. **Comparison of Districts:** The existing Residential Two (R2) zoning district allows for primarily residential type developments. The proposed density for the project would be allowed in an R2 district, according to Henderson County Land Development Code standards. The corresponding Conditional District (CD) applies to instances where certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Some land *uses* are of a nature or scale that may have significant impacts on both the immediately surrounding area and the entire community, which cannot be predetermined or controlled by general district standards. There are also circumstances in which a general use district designation allowing such a *use* by right would not be appropriate for a particular property though the *use* could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted *Comprehensive Plan*, and adopted district. The review process established in this section provides for the accommodation of such *uses* by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the *use* with the use and enjoyment of neighboring properties.

9.4. **Conditional Zoning Approval:** If a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map.

9.4.1. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to §42-50 (Alterations to Approval). Changes to the site plan layout shall not increase the number of structures. (LDC §42-49)

9.5. **Previously Master Plan Approval:** On January 18<sup>th</sup>, 2018 the Henderson County Planning Board approved the master plan for the Sanctuary at Eagles Nest-Horseshoe Farm Major Subdivision (2017-M01). That master plan approval proposed a 132-unit residential subdivision and was only valid through January 25<sup>th</sup>, 2020.

**10. Neighborhood Compatibility Meeting**

10.1. A neighborhood compatibility meeting was held electronically on Wednesday, May 27, 2020 at 1:00 PM. Invitations were sent to property owners within 400 feet of the subject area's boundary.

10.2. A report of this meeting is attached to the staff report.

**11. Technical Review Committee (TRC)**

11.1. The TRC reviewed the application at their June 16, 2020 meeting.

**12. Planning Board**

12.1. The Planning Board reviewed the application at their June 18, 2020 meeting.

**13. Recommended Conditions from the LDC, TRC, and Planning Board**

13.1. All conditions discussed are attached to the staff report.



Neighborhood Compatibility Meeting (Virtual)  
Conditional Zoning Request #R-2020-02-C (Horseshoe Farm)  
Wednesday, May 28, 2020 at 1:00 p.m.

Letters about the meeting were mailed to property owners within 400 feet of the boundary of the proposed development. Approximately 8 people attended the meeting and 4 people submitted questions online prior to the meeting. The following County staff and applicant(s) were in attendance:

<i>Name</i>	<i>Title/Organization</i>
Autumn Radcliff	Planning Director
Matt Champion	Project Development Planner
John Turchin	Applicant/Property Owner
Jordan Turchin	Applicant
Bob Grasso	Plan Preparer

Mrs. Autumn Radcliff opened the meeting and provided a welcome and introductions. She stated that the purpose of the meeting is for nearby neighbors to learn about the proposed project and ask questions of the applicant prior to formal review by the Planning Board and Board of Commissioners (BOC). She gave a quick overview for the process of the meeting. The applicant would give a presentation of the proposed project, staff would proceed by asking questions to the applicant that were submitted online, followed with questions from the public participating in the meeting.

**Applicant's Agent Overview:** Mr. Turchin mentioned that after listening to the public during the last approval they decided to greatly reduce the size of the project and repurpose all on the current on-site structures. They want to reduce the impact on the property and make it more compatible. Most of the current farming operations on site will remain as part of this project. Adding an additional 25 houses and cottages on the property. Mr. Grasso said they're down to 36 units from the original approval of 119 units, in order to reduce the density and impact on the surrounding community. Mr. Jordan Turchin was introduced and discussed how the plan was crafted based on experiences current customers are having at the site under the prior approval.

**Questions and Answer Discussion:** Below is a list of questions asked by the citizens that either attended the meeting or submitted questions online prior to the meeting then followed by the applicant's response/explanation.

- 1. What are your plans for, or potential future uses for Lots 32-36? Can these lots be used in the future to increase density or construct multi-story structures?** Answer: Mr. Turchin stated these lots are for single-family structures. Will probably be 1 to 2 story homes.
- 2. With the increased traffic into the "farm" will there be a road expansion with a turning lane into the property?** Mr. Turchin stated no.
- 3. Who will bear the cost of a turning lane? Will the taxpayers bear the cost, or will the "farm" be fitting the bill since the increase will be due to their business?** Mr. Turchin said a turning lane not necessary.



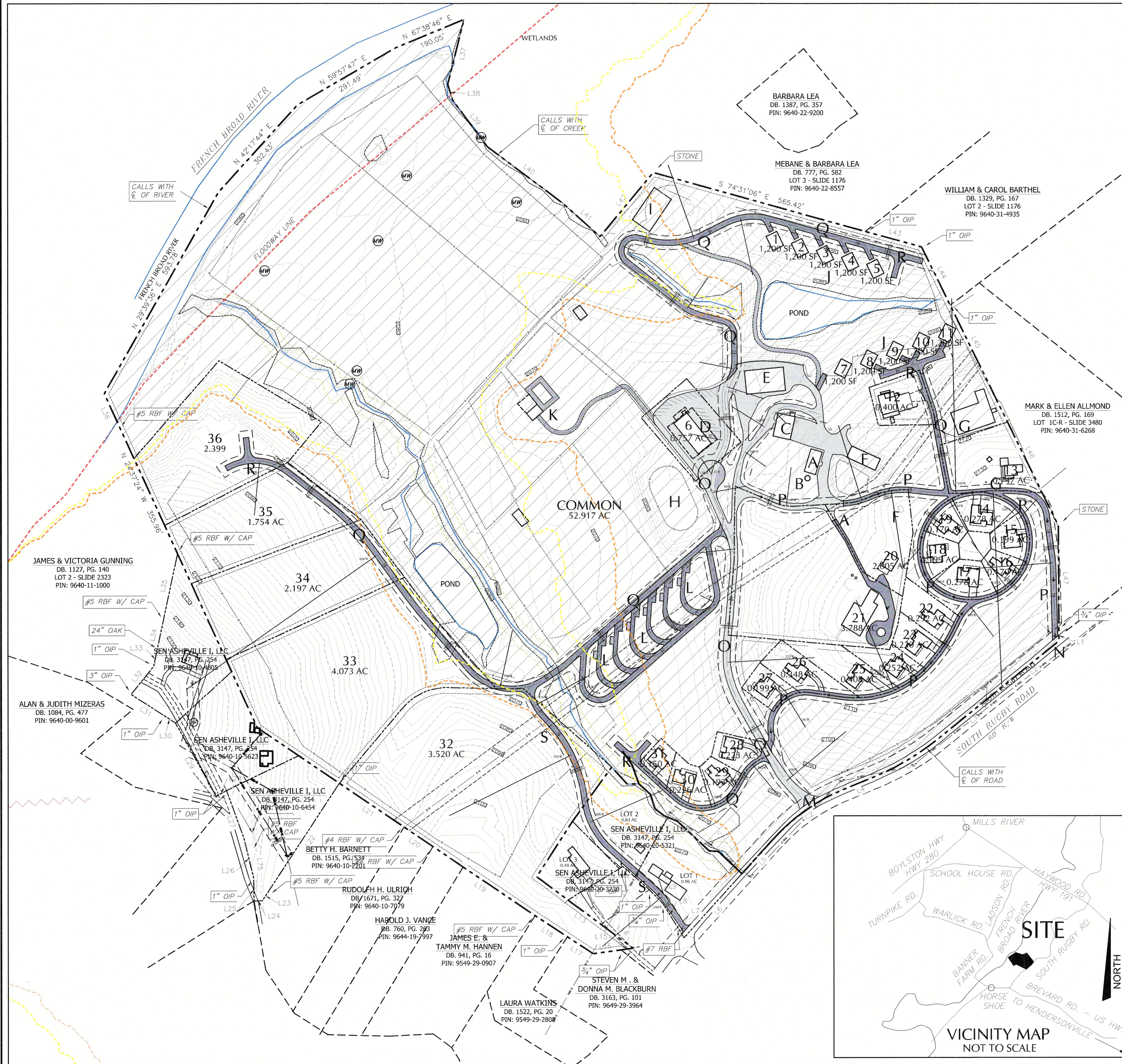
4. **This is zoned residential. Why are we considering changing that? How does this benefit the community?** Mr. Grasso referenced discussions in reducing the overall impact of the project and decided reducing the number of residential structures will greatly lessen the overall impact. Respect the community with lower density.
5. **What will be the limitations for noise?** Mr. Grasso mentioned that Henderson County has a noise ordinance that they will comply with. Main purpose of this venue is not for weddings. No intention to install streetlights or flood lights and only new light would be the ambient light from the new residential structures.
6. **With increase traffic and road travel how do you propose to fix it?** Mr. Grasso said there are no needed traffic improvements to accommodate the traffic. The new plan reduces the overall amount of traffic generated compared to the old plan.
7. **What infrastructure will they be building to support increased usage? Will the taxpayers pay this burden or is it on the developer?** Mr. Grasso said electricity will be on the same system. The internet will be a normal service hookup. Water will be provided by City of Hendersonville water or wells for the individual home sites. Individual septic systems for the residential structures and will use a soil scientist to test the soils for perking. No longer looking at using a large community wastewater collection system as previously described.
8. **How does this expansion and conditional zoning enhance my quality of life?** Mr. Grasso said they are not expanding any of the existing and current uses on the site. The only thing that is changing is the new residential units which is down from the previous approval.
9. **How will you ensure this land doesn't end up being an abandoned business?** Mr. Turchin mentioned the substantial investment in they have made on the property since purchasing it. They are currently making money on the site as it's being used currently. They propose developing the houses slowly overtime and will continue maintaining the property as they intend to live there for the foreseeable future. Mr. Grasso referenced the disrepair the property was in when it was purchased. No new non-residential structures, but instead repurposing all the existing structures with the addition of residential units to make the farm more viable.
10. **Will the "exit only" exit (#N) be a "pork chop" design to prohibit traffic coming from S. Rugby Road?** Mr. Turchin said the exit is intended for emergency use and only for minimal use. It will be gated and not be used as an exit.
11. **What vehicular safety improvements are proposed for the main entrance?** Mr. Grasso said they will be applying for a NCDOT driveway permit and will adhere to any conditions NCDOT places on the driveway permit.
12. **The plan shows a road marked "S" directly across from the Tamarac Subdivision entrance. This road is marked for emergency vehicles only. Why can't emergency vehicles use the main entrance? Will the road be gated? Will it be a construction entrance?** Mr. Grasso said this was a response to the driveway que where they wanted an emergency response access to lots 32-36 in the event of the stream being flooded. This road will be gated, too.
13. **What is proposed for the house and land marked "Lot 1?"** Mr. Turchin said it's an existing house and will stay an existing house. Currently where Mr. Jordan Turchin is living.
14. **What is proposed for lots 2 and 3?** Mr. Turchin said lot 3 is an existing house and lot 2 might be the location of a new house.
15. **Will the development have a sales office? If so, where?** Mr. Turchin said they won't have a sales office, but if they do, it will be housed in one of the existing structures.
16. **What, if any, new signage is proposed?** Mr. Turchin said no new signage is proposed at this time.

- 17. Are left and right turn lanes into the main drive still part of the plan as they were in previous application?** Mr. Grasso said there are no left and right turn lanes proposed for this project since they reduced the overall density.
- 18. What are the rental spaces for? Air B&B? Lots 1-31?** Mr. Turchin said that they do very little business with air b&b, but instead have more success with wellness groups, corporate retreats, and families renting out the entire farm. Weddings are not a primary focus anymore and lots 1-31 were developed based on what is currently working and what isn't working. Mr. Turchin believes the rentals will be longer than your average weekend. Most of the families who show up drive within a 2 to 3-hour drive. Mr. Jordan Turchin believes that people are coming here more to seek the quiet private nature of the farm than for large loud gatherings. Most of the groups coming now are repeat customers seeking the privacy.
- 19. Would the property be willing to host the Tamarac homeowner's association for their annual cookout?** Mr. Jordan Turchin said that they are willing to make that happen. Asked that the HOA president for Tamarac to reach out and schedule an event.

With no further comments or questions the meeting was concluded at 1:39 p.m.

Staff was contacted by two citizens who attended the Neighborhood Compatibility Meeting but were unable to speak when called upon. Here are the questions asked about the project followed by staff's response based on discussions with the developer:

- 1. Will there be an entrance to the project or exit from the project off Nelson Road?**  
Mr. Champion said there will not be an entrance or exit from the subject area off Nelson Road.
- 2. Are the properties owned by the applicant off Nelson Road included in this project?**  
Mr. Champion said the three parcels off Nelson Road are not part of this application. If the developer wishes to incorporate them into the project at a further date, they would have to go through this process again.
- 3. What is the applicant proposing or what is his intention for the property located off Nelson Road?** Mr. Champion said since they are not part of this application, the applicant did not have to disclose any future plans for these three parcels. Mr. Champion mentioned that the current owner could sell them or remove them and rebuilt residential structures based on the current zoning.



**PROJECT INFORMATION**

OWNER/APPLICANT: SEN-ASHEVILLE I, LLC  
 1900 SUNSET HARBOUR DRIVE, SUITE 1  
 MIAMI BEACH, FL 33139  
 PHONE: (305) 672-0702  
 EMAIL: jturchin@turchinserver.com  
 CONTACT: JOHN TURCHIN

LANDSCAPE ARCHITECT: LAND PLANNING COLLABORATIVE  
 P.O. BOX 2200  
 ASHEVILLE, NC 28802  
 PHONE: (828) 242-0111  
 EMAIL: bgrasso@landplancollab.com  
 CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER: BROOKS ENGINEERING ASSOCIATES  
 17 ARLINGTON STREET, SUITE A  
 ASHEVILLE, NC 28801  
 PHONE: (828) 232-4700  
 EMAIL: mbrooks@brooksea.com  
 CONTACT: MARK BROOKS, PE

SURVEYOR: BROOKS ENGINEERING ASSOCIATES  
 17 ARLINGTON STREET, SUITE A  
 ASHEVILLE, NC 28801  
 PHONE: (828) 232-4700  
 EMAIL: psexton@brooksea.com  
 CONTACT: PAUL SEXTON, PLS

**SITE INFORMATION**

PIN: 9640116673, 9640216060, 9640216420, 9640304804, 96403141154 & 9640311473

ZONING DISTRICT: R-2  
 PROJECT ACREAGE: 79.588 AC.  
 AVERAGE SLOPE: 8.8%  
 WETLAND ACREAGE: 3.90 AC.  
 FLOODWAY ACREAGE: 4.93 AC.  
 100-YR. FLOOD PRONE ACREAGE: 30.67 AC.  
 DEVELOPABLE ACREAGE: 70.75 +/- AC.  
 PERMITTED DENSITY: SINGLE-FAMILY: 1 UNIT/AC.  
 MULTI-FAMILY: 2 UNITS/AC.  
 36 LOTS (COMMON AREA NOT INCLUDED)  
 0.452 LOTS/AC.  
 FRONT YARD: 15'  
 SIDE YARD: 10'  
 REAR YARD: 10'  
 40'

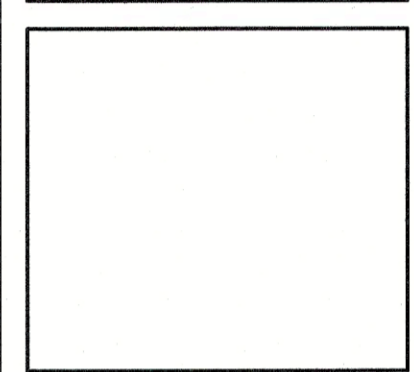
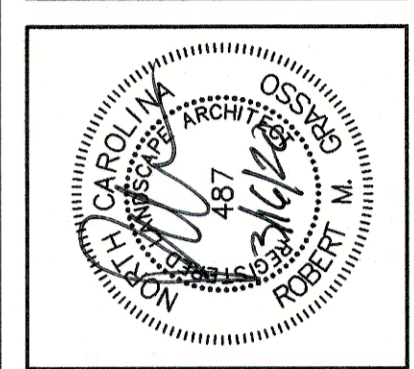
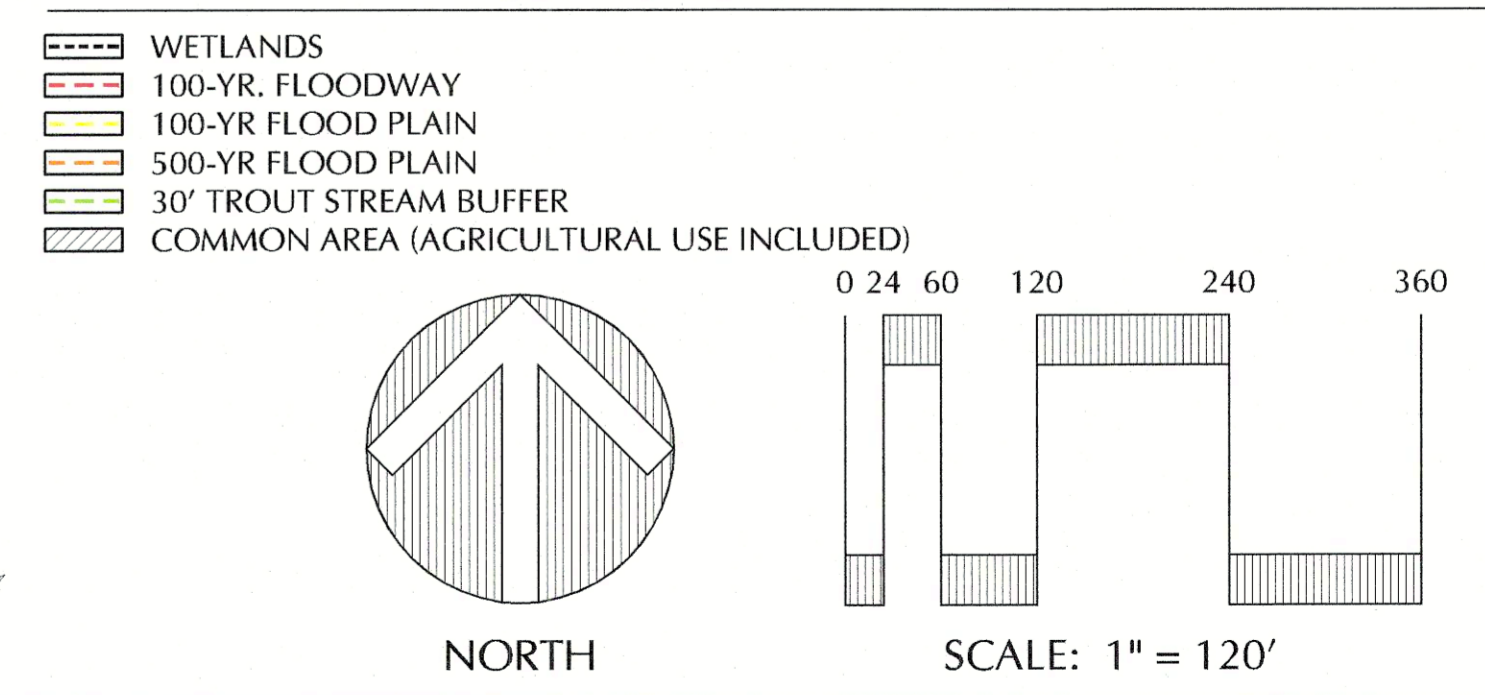
PROPOSED TOTAL NO. OF LOTS-UNITS: 36 LOTS (COMMON AREA NOT INCLUDED)  
 PROPOSED DENSITY: 0.452 LOTS/AC.  
 REQUIRED BUILDING SETBACKS: FRONT YARD: 15'  
 SIDE YARD: 10'  
 REAR YARD: 10'  
 40'

MAXIMUM BUILDING HEIGHT: 40'  
 PROPOSED HOSPITALITY USE: HOTEL (SHORT-TERM RENTAL COTTAGES)  
 PROPOSED SPA: A COMMERCIAL ESTABLISHMENT, PROVIDING FACILITIES DEVOTED ESPECIALLY TO HEALTH, FITNESS, WEIGHT LOSS, BEAUTY, RELAXATION, FOOD SERVICE & DINING FACILITY.

PROPOSED NO. OF RESIDENTIAL PKG. SPACES: 76 SPACES (2 SPACES/UNIT)  
 PROPOSED NO. OF SPA PKG. SPACES: 12 SPACES  
 PROPOSED NO. OF TRAILER PKG. SPACES: 7 SPACES  
 OPEN SPACE ACREAGE: 56.054 AC. (70.4%)  
 IMPERVIOUS SURFACE ACREAGE: 9.03 AC. (11.3%)  
 3,000 SF/RESIDENCE & 1,200 SF/RENTAL COTTAGE  
 2,980 LF  
 LENGTH OF SUBDIVISION ROADS: 7,664 LF  
 LENGTH OF DRIVEWAYS: 7,664 LF  
 SHARED DRIVEWAYS: SERVING LOTS 1, 2, 3, 4 & 5  
 SERVING LOTS 8, 9, 10, 11 & 12  
 SERVING LOTS 20 & 21  
 SERVING LOTS 28, 29, 30 & 31  
 SERVING LOTS 33, 34, 35, 36 & 37  
 SEWER: INDIVIDUAL SEPTIC SYSTEMS  
 UNDERGROUND POWER, TELEPHONE & CATV  
 WS IV

- SPA FACILITIES**
- A DINING & KITCHEN (3,000 SF, APPROX.)
  - B BARBECUE AREA (800 SF, APPROX.)
  - C CLUBHOUSE (2,720 SF, APPROX.)
  - D SPA, EQUESTRIAN BARN & 5 GUEST ROOMS (8,670 SF, APPROX.)
  - E EVENT BUILDING & STORAGE (6,035 SF, APPROX.)
  - F ARTS & CRAFTS & MAINTENANCE BUILDING (2,580 SF, APPROX.)
  - G YOGA STUDIO & EVENT BUILDING (6,820 SF, APPROX.)
  - H RIDING RING
  - I MAINTENANCE & STORAGE BUILDING (5,365 SF, APPROX.)
  - J RENTAL COTTAGE LOT (10 UNITS)
  - K POOL AMENITY
  - L HORSE TRAILER/RV PARKING AREA

- ROAD LEGEND**
- M SUBDIVISION ROAD ENTRANCE/EXIT
  - N SUBDIVISION ROAD EXIT
  - O TWO-WAY SUBDIVISION ROAD (PRIVATELY MAINTAINED)
  - P ONE-WAY SUBDIVISION ROAD (PRIVATELY MAINTAINED)
  - Q SHARED DRIVEWAY (PRIVATELY MAINTAINED)
  - R "T" TURN-AROUND (60' LENGTH)
  - S ACCESS ROAD FOR EMERGENCY VEHICLES
- ENVIRONMENTAL LEGEND**
- WETLANDS
  - 100-YR. FLOODWAY
  - 100-YR FLOOD PLAIN
  - 500-YR FLOOD PLAIN
  - 30' TROUT STREAM BUFFER
  - COMMON AREA (AGRICULTURAL USE INCLUDED)



**MASTER PLAN**

**THE HORSESHOE FARM**  
 HENDERSON COUNTY, NORTH CAROLINA

JOB NO.: 2016300  
 DWG. NAME: horseshoe-site.dwg  
 DATE: March 16, 2020

REV.	DATE	BY
1		
2		
3		
4		
5		

SHEET  
**L-1**



100 North King Street  
Hendersonville, NC 28792

**List of Conditions for Conditional Rezoning Application #R-2020-02-C**

Conditions per Land Development Code (LDC §42-52):

1. Meet all supplemental requirements for each proposed use (LDC §42-63)

Conditions per Erosion/Sedimentation/Flood:

2. Floodplain development permit
3. Low-density storm water permit
4. Erosion control permit for any disturbance greater than 1 acre

Conditions per Building/Inspections:

5. Change of use permit for converting existing residential structures to commercial uses
6. 2018 North Carolina Building Code
7. 2017 North Carolina Building Code for electrical

Conditions per Fire Marshal/Emergency Services:

8. Any new roadways must meet fire access requirement
9. Gated access to site must meet Entry Gate Ordinance requirements

Conditions per Environmental Health:

10. Submit EOP for site wide septic approval or apply for individual septic systems per structure

Conditions per NCDOT:

11. Access to site will require NCDOT driveway permits

Conditions per Public Utilities (City of Hendersonville Water):


12. Submit water availability request
13. Obtain waterline extension approval
14. Apply for individual taps and meters for each structure

Condition discussed at Public Hearing:


15. Amend site plan to include all the listed conditions and record with the Register of Deeds.
16. The Board of Commissioners delegates review and approval of all subsequent development plans to the Planning Board provided that all substantial changes be referred to the Board of Commissioners as an amendment to the conditional zoning district.

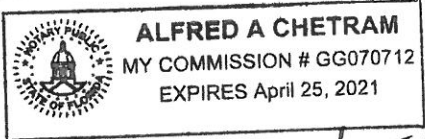
- 17. \_\_\_\_\_
- 18. \_\_\_\_\_
- 19. \_\_\_\_\_
- 20. \_\_\_\_\_
- 21. \_\_\_\_\_

WE, all the applicants and property owners in R-2020-02-C, agree to the foregoing conditions:

  
 \_\_\_\_\_  
 JOHN A TURCOTTE KAHALO

Sword to & subscribed before me this 3<sup>rd</sup> day  
 of AUG 2020 by JOHN A TURCOTTE who is  
 personally known to me a duly authorized  
 Notary Public in the County of Miami-Dade  
 State of Florida

  
 \_\_\_\_\_  
 ALFRED A CHETRAM  
 Notary Public



My Commission Expires 4/25/2021

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-343 the Planning Department certifies notice of the August 19<sup>th</sup>, 2020 hearing regarding Rezoning Application #R-2020-02-C were:

1. Submitted to the Hendersonville Lightning on July 28, 2020 to be published on August 5, 2020 and August 12, 2020 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 3, 2020 by Matt Champion;
3. Sent, via first class mail, to the property owner on August 3, 2020 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on August 3, 2020 by Jacob Compher.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matt Champion \_\_\_\_\_
2. JG \_\_\_\_\_

STATE OF   NORTH CAROLINA  

COUNTY OF   HENDERSON  

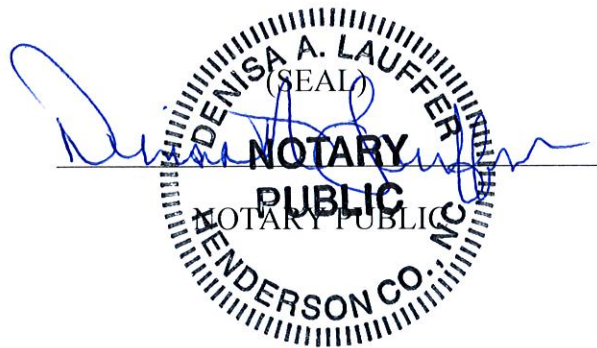
I, Denisa A Lauffer, a Notary Public, in and for the above County

and State, do hereby certify that Matt Champion & Jacob Compher, personally appeared before me this day.

WITNESS my hand and notarial seal, this the 4<sup>th</sup> day of August 2020.

My commission expires:

November 12, 2021





## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2020-02-C; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on August 19, 2020; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2020-02-C, Horseshoe Farm) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS** the 19<sup>th</sup> day of August 2020.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**GRADY HAWKINS, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Teresa Wilson, Clerk to the Board**

**[COUNTY SEAL]**



## Rezoning #R-2020-02-C Horseshoe Farms



Henderson County Board of Commissioners  
August 19, 2020

*Henderson County Planning Department*

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## Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on August 5<sup>th</sup> and August 12<sup>th</sup>
- The property was posted on August 3<sup>rd</sup>
- Letters were mailed to property owners within 400 feet of the Subject Area on August 3<sup>rd</sup>

*Henderson County Planning Department*

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## Conditional Districts

Conditional rezoning's are:

- Legislative decisions
- Require a site specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

*Henderson County Planning Department*

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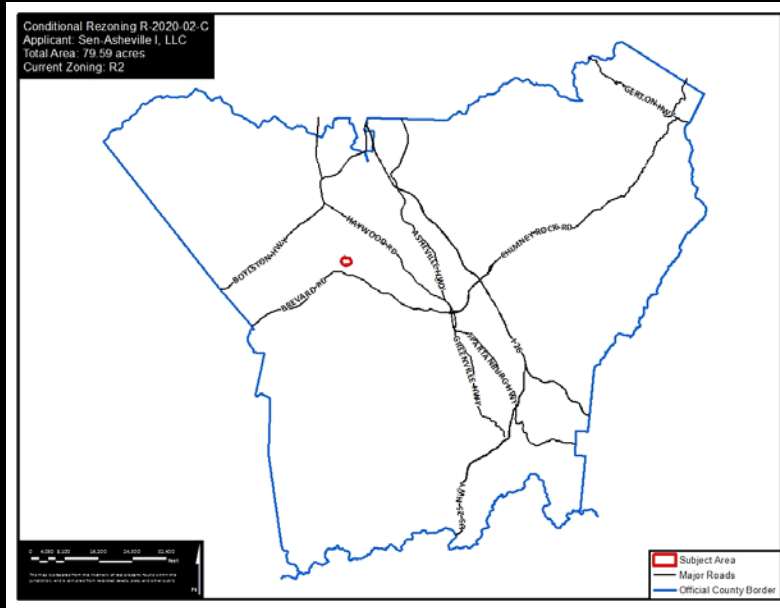
## Application Summary

- Conditional Rezoning Request: R-2020-02-C
- Submitted on March 17, 2020
- Owner: SEN – Asheville I, LLC
- Applicant/Agent: John Turchin
- Rezone from Residential Two (R2) Zoning District to a Conditional District (CD-2020-02)
- 79.58 Acres
- 6 Parcels

*Henderson County Planning Department*

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# County Context Map



Henderson County Planning Department

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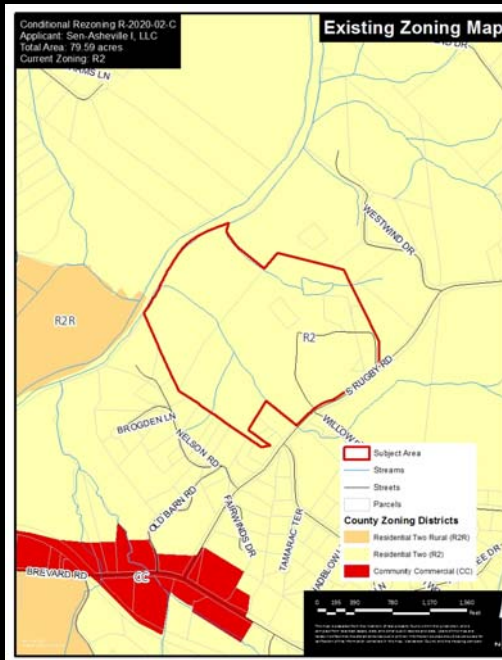
# Aerial Map



Henderson County Planning Department

6

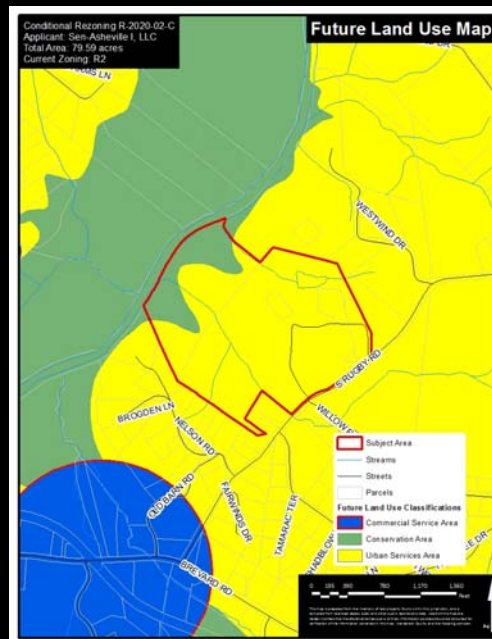
# Existing Zoning Map



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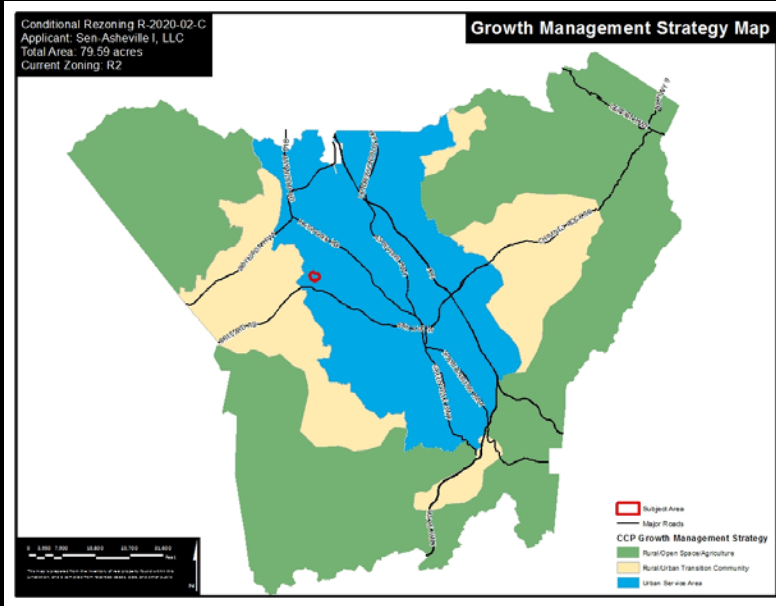
# CCP Future Land Use Map



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# Growth Management Strategy Map



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# Flood Hazard Area Map



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## Existing Land Use Map with Proposed Uses



Henderson County Planning Department

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## Site Plan Summary

- 36 Residential Units
- Average Density = 0.452 units/acre
- 76 Residential Parking Spaces
- 12 Spa/Wellness Facility Parking Spaces
- 7 Horse Trailer Parking Spaces
- 11.3% impervious surface (approx. 9.03 acres)
- 56.054 acres (70.4%) of Open Space
- Common Area and Amenities
  - Dining Facility (approx. 3,000 SF)
  - Barbecue Area (approx. 800 SF)
  - Club House (approx. 2,720 SF)
  - Spa/Equestrian Barn (approx. 8,670 SF)
    - Including 5 guest rooms.
  - Event Building/Storage Facility (approx. 6,035 SF)
  - Arts & Crafts/Maintenance Building (approx. 2,580 SF)
  - Yoga Studio/Event Building (approx. 5,365 SF)
  - Riding Ring
  - Maintenance & Storage Building (approx. 5,365 SF)
  - Rental Cottage Lot (10 Units)
  - Pool
  - Horse Trailer/RV Parking Area

Henderson County Planning Department

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## Conditional Rezoning's

- Conditions required by the LDC and additional conditions recommended for consideration and requests made by the TRC and Planning Board are found in the attached List of Conditions

*Henderson County Planning Department*

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## Public Comment Opportunity:

Public comment may be received up until the day before the meeting. Public comment may be submitted in one of the following ways.

1. Written comment addressed to Planning Department at 100 N. King Street, Hendersonville, NC 28792\*
2. Emailed to [hcplanning@hendersoncountync.gov](mailto:hcplanning@hendersoncountync.gov)
3. Calling the Planning Department at 828-697-4819 M-F, 8:00 am to 4:30 pm
4. Submitted directly online at the [hcplanning.org](http://hcplanning.org)
5. Public comments limited to 3 minutes. Public comments will be read aloud during meeting and part of the official minutes.

*Henderson County Planning Department*

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# Conditional Rezoning #R-2020-02-C

# Questions



*Henderson County Planning Department*