

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 20, 2025

SUBJECT: Public Hearing for Conditional Rezoning Application #R-2025-05-CD,
Baystone Glen

PRESENTER: Matt Champion, Zoning Administrator
Autumn Radcliff, Planning Director

ATTACHMENTS:

1. Staff Report
2. Site Plan
3. Summary of Sewer Service Options
4. Proposed Conditions
5. Neighborhood Meeting Summary
6. Certification of Public Hearing Notification
7. Plan Consistency Statement
8. Staff PowerPoint Presentation

SUMMARY OF REQUEST:

Rezoning Application #R-2025-05-CD was initiated on April 1, 2025, and requests that the County conditionally rezone approximately 67.84 acres of land from Community Commercial (CC) and Residential One (R1) to a Conditional District (CD-2025-05). A small portion of the project area is located within the extraterritorial jurisdiction (ETJ) for the City of Hendersonville. If approved, the applicant must request through an interlocal agreement for the county zoning to apply to this portion of the property under the conditions of the CD-2025-05 zoning district. The project contains portions of PINs 9660-23-6968, 9660-23-7875, 9660-22-8850, 9660-32-5424, 9660-35-6028, 9660-31-7635, and 9660-31-2567 that has direct access to Asheville Hwy (US25). The property owner is Bayless Et. Al. The applicant is Tranquil Waters Development, LLC and Boones Station, LLC, and the agent is Justin Rohde.

The applicant is proposing to develop the subject area with a mixture of single-family residential dwellings and multi-family residential dwellings for a total of 430 residential units. Conditional rezonings 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. A neighborhood compatibility meeting was held on Friday, May 2, 2025, in the King Street Meeting Room. A copy of the meeting summary is included in the agenda item.

The Technical Review Committee (TRC) reviewed this application on May 6th, July 15th, and August 5th. While the project has access to both MSD and City of Hendersonville sewer, the TRC decided to forward the application to the Board of Commissioners noting unresolved issues with both the public sewer options. The TRC will make its formal review of the associated site plan on the technical requirements pending Board approval. The Planning Board reviewed this application on July 17, 2025, and voted unanimously to forward a favorable recommendation to

the Board of Commissioners with the conditions as discussed. A copy of the conditions is included as an attachment.

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 20, 2025, public hearing regarding rezoning application #R-2025-05-CD was published in the Hendersonville Lightning on August 6, 2025, and August 13, 2025. 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 4, 2025, and posted signs advertising the hearing on August 5, 2025.

BOARD ACTION REQUESTED:

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

Suggested Motion:

I move that the Board (approve, approve with modifications, or deny) rezoning application #R-2025-05-CD to rezone the Subject Area to a Conditional District (CD-2025-05) with the attached 2045 Comprehensive Plan Statement based on the recommendations of the 2045 Comprehensive Plan, and with any conditions stated in the proposed conditions attachment and with any additional conditions as discussed.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:

Matt Champion, Zoning Administrator

APPLICATION #
R-2025-05-CD

BOARD OF COMMISSIONERS MEETING DATE:
August 20, 2025

PROPERTY OWNERS

David Lee Bayless, Nancy Bayless, David Michael Bayless, Victoria Bayless, Beth Sheffield, Melinda Quinn, & Anthony Quinn

PROPERTY LOCATION/ADDRESS

Off Asheville Hwy (US25), Randy Dr (SR2033), & Halsbury Ave (SR1386)
Hendersonville Township

APPLICANTS

Tranquil Waters Development, LLC & Boones Station, LLC
Justin Rohde (Agent)

PIN(S):

9660-23-6968, 9660-23-7875, 9660-22-8850, 9660-32-5424, 9660-35-6028, 9660-31-7635, & 9660-31-2567

SUMMARY OF REQUEST

A rezoning of a portion of the above-referenced PINs (hereafter the subject area) from **Community Commercial (CC)** and **Residential One (R1)** to **Conditional District (CD-2025-05)** for the Baystone Glen development.

Existing Zoning

Community Commercial (CC), Residential One (R1), COH R-15

FLUM Character Area

Community Center, Transitional Area, Neighborhood Anchor

Existing Land Use

Vacant

Site Improvements

128' Utility Easement for Transmission Lines

Request Acreage

67.84 acres per engineer site plan

ADJACENT ZONING

North CC, COH C-3, R2

East R2, I, R1

South COH R-15

West R1

USE OF LAND

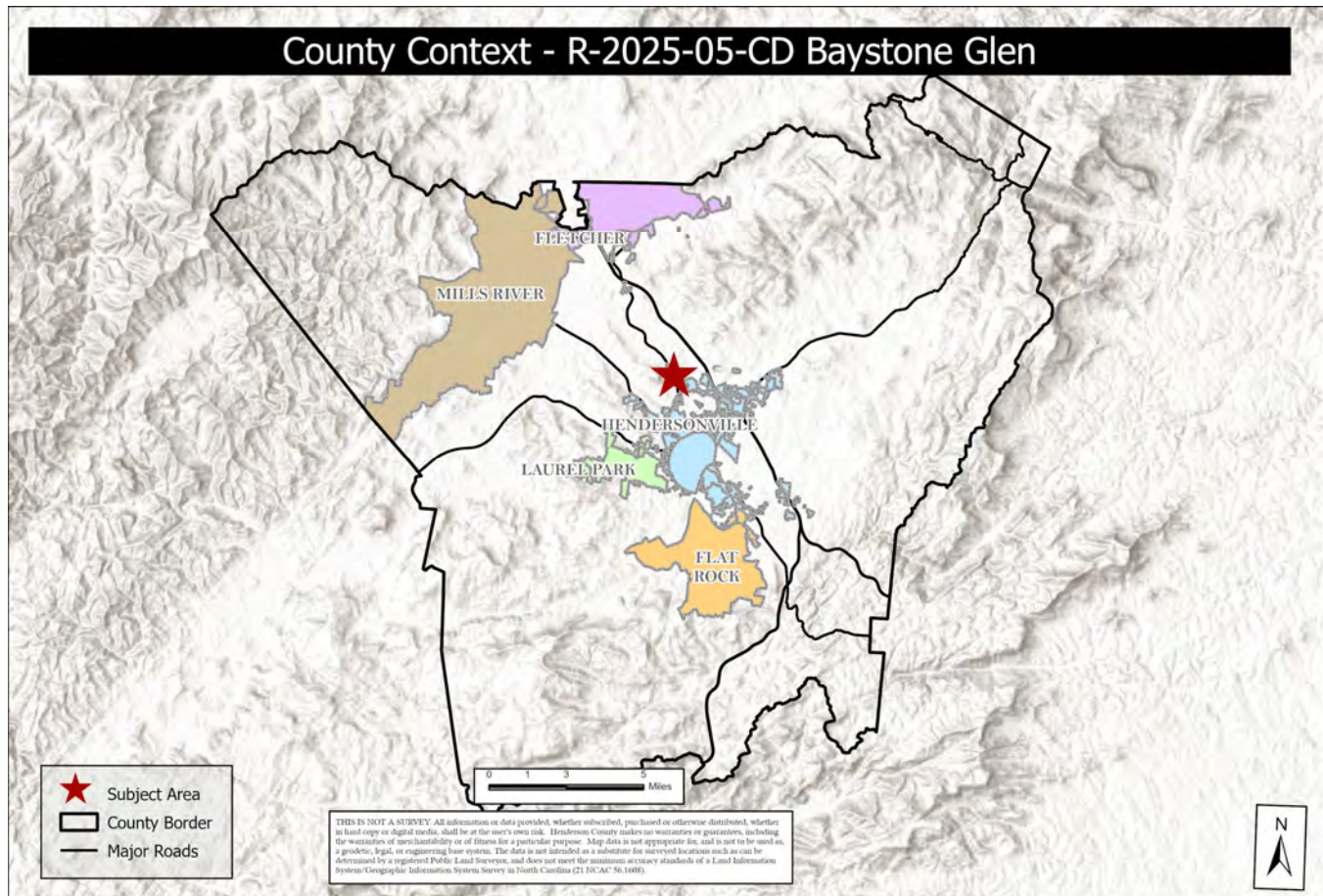
Residential, Commercial

Residential, Industrial, Commercial

Residential

Residential, Vacant

Map A: County Context



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)

**BACKGROUND:**

The applicants, Tranquil Waters Development, LLC and Boones Station, LLC, seek to rezone all of PINs 9660236968 and 9660237875, and a portion of PINs 9660228850, 9660312567, 9660317635, 9660325424, and 9660326028 from Community Commercial (CC) and Residential One (R1) to Conditional District (CD-2025-05). The subject area is approximately 67.84 acres. The attached site plan proposes a 430-unit residential development through a combination of single-family dwellings, townhomes, and apartments.

Map B: Subject Area



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



SUBJECT AREA & ADJACENT PROPERTIES:

Subject Area

All parcels included in this application are currently vacant. A portion of the subject area has been used as a Duke Energy laydown yard in the past. Additionally, another portion of the subject area was used for the extraction of road bonding materials. As previously mentioned, a 128' wide utility easement is found over the transmission lines running through the subject area.

Adjacent Uses

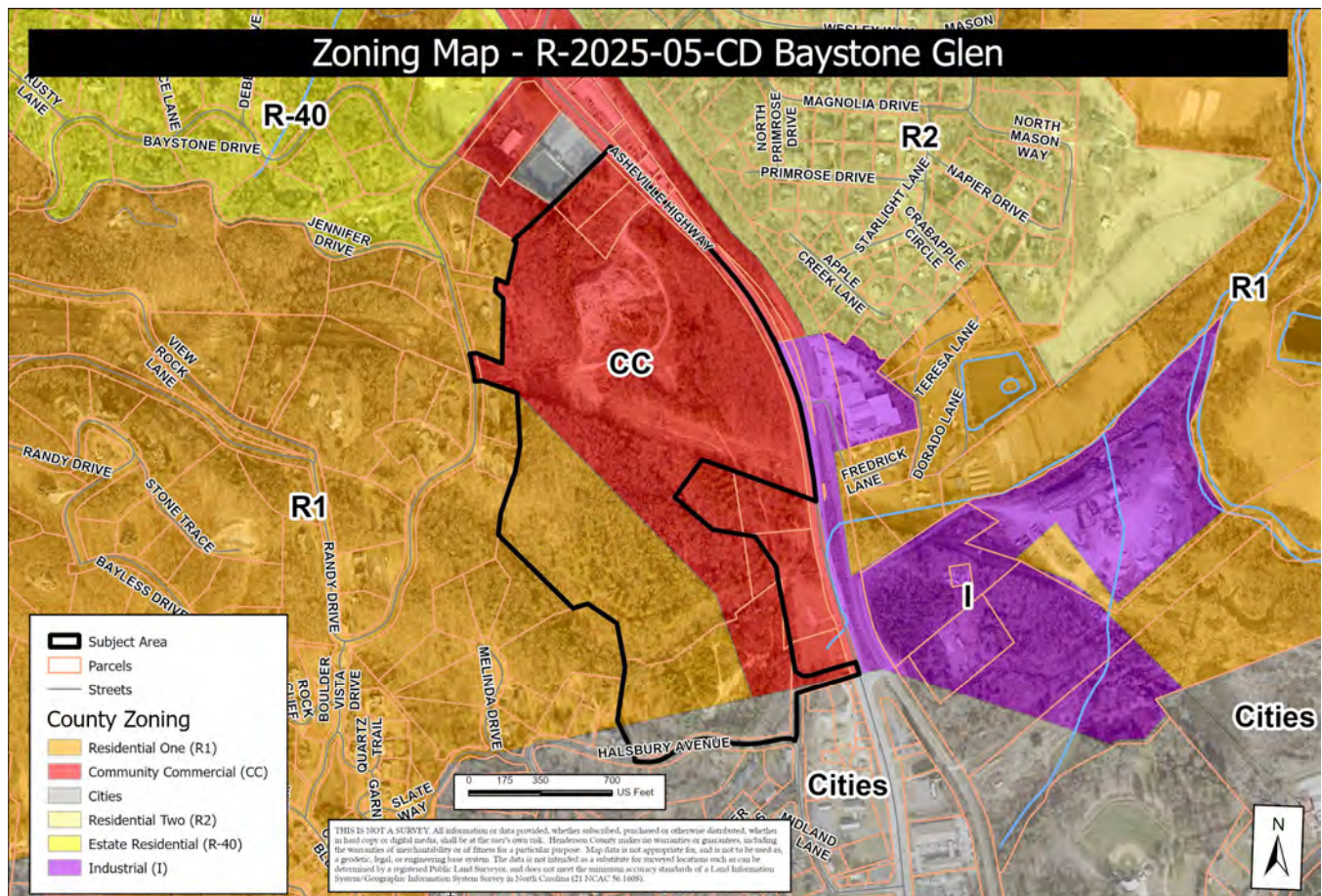
West: The parcels to the west of the subject area contain a mixture of residential structures.

South: The parcels to the south of the subject area contain residential and commercial structures.

East: The parcels to the east of the subject area contain residential, commercial, and industrial structures.

North: The parcels to the north of the subject area contain commercial and institutional structures.

Map C: Current Zoning



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



District Comparison:

Community Commercial District (CC): “The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development that includes a variety of retail sales and services, public and private administrations, offices, and all other uses done primarily for sale or profit on the local and community level.” Residential density in CC is 16 units per acre, a maximum impervious surface allowance of 80%, maximum floor area of 80,000SQFT, and a maximum height of 50’ (LDC §42-34). This portion of the subject area has been zoned Community Commercial (CC) since the adoption of the Henderson County Land Development Code in September of 2007.

Residential District One (R1): “The purpose of the Residential District One (R1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Utility Service Area (USA) in the Comprehensive Plan.” Standard residential density in the R1 is 4 units per acre, intermediate density is 6 units per acre, and maximum density is 12 units per

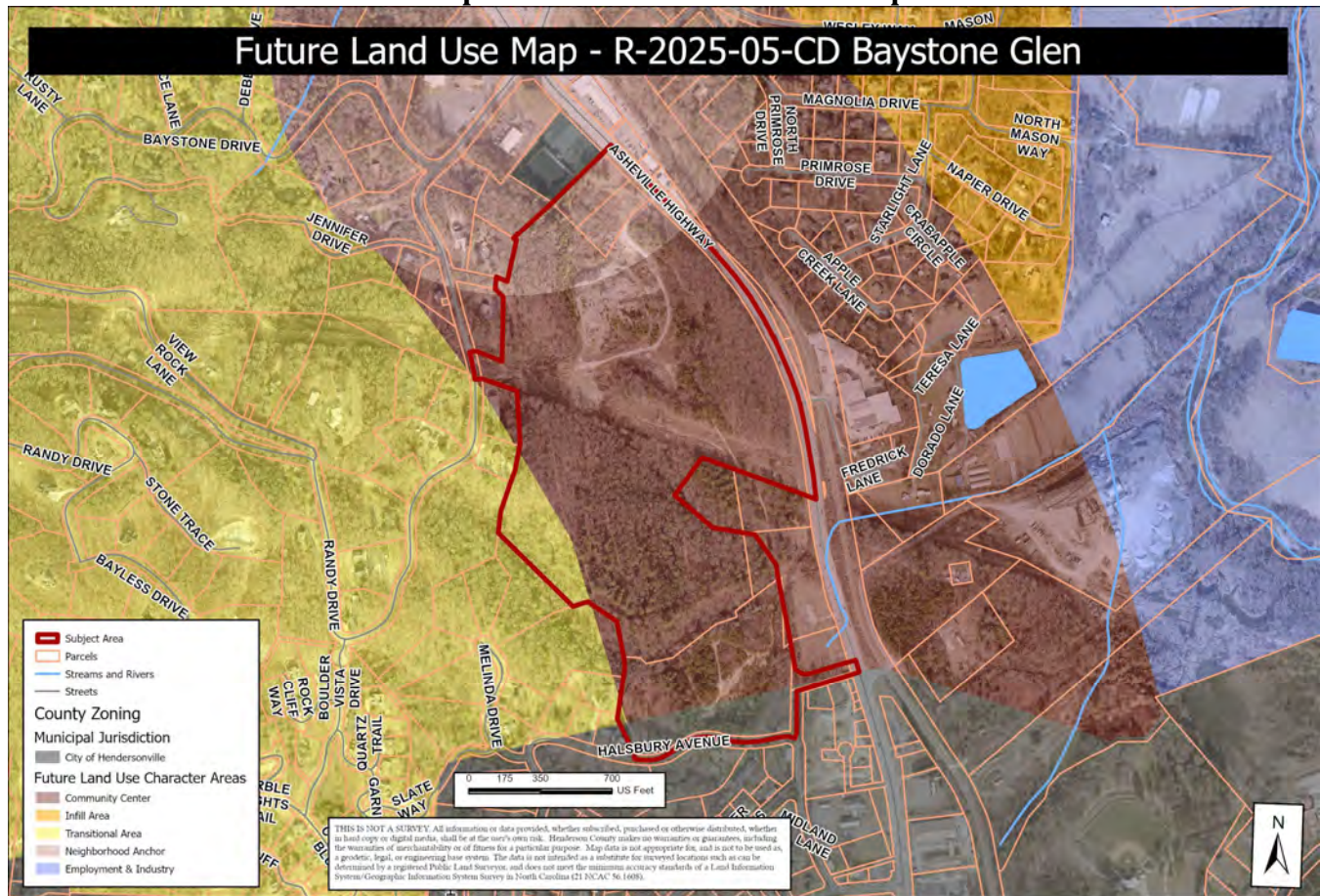
acre (LDC §42-27). This portion of the subject area has been zoned R1 since the adoption of the Henderson County Land Development Code in September of 2007.

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. The project proposes a total of 430 dwelling units on 67.84 acres with an overall density of 6.34 units per acre.

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. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.

Note on City of Hendersonville ETJ: A small portion of the project area is located within the ETJ for the City of Hendersonville. If approved, the applicant must request through an interlocal agreement for the county zoning to apply to this portion of the property under the conditions of the CD zoning. The applicant has discussed this with City staff but has decided to wait to move forward with the request until the Board of Commissioners has made a decision. This would be required before any additional permits or work could be completed. If approved and agreed upon by both the city and county, an interlocal agreement item would be presented to the Board at a later meeting.

Map D: 2045 Future Land Use Map



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC

Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres

PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



2045 Comprehensive Plan Compatibility

The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the **Community Center** character area, **Transitional Area**, and **Neighborhood Anchor**.

Community Center: From Part 2, page 46, "Community Centers are larger commercial nodes that serve broader geographic areas than Neighborhood Anchors. These areas typically have higher concentrations of nonresidential uses and commercial services that contribute to the tax base.

However, mixed-use development is also encouraged, especially to offer multi-story units that provide commercial use on the bottom and residential units or office space above." (The proposed use is consistent with the defined uses for the Community Center character area)

- **Where:** Typically found at intersections of State Roads or thoroughfares in areas near residential development that can be served by commercial uses. (This property is accessed off US25 and is within easy access to I-26)
- **Uses:** Medium to large-scale retail, services, restaurants, some offices, businesses, light industry, and institutional uses. **Mix of housing, including single-family homes,**

townhomes, and apartments. (This proposal is consistent with the mix of housing and is surrounded by many varied uses, including commercial, light industry, and residential.)

- **Utility Access:** Typically served by water and potentially sewer.
(This property is served by both public water and public sewer)

Neighborhood Anchor: From Part 2 page 44, “Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses. Developments that accommodate the ability to live, work, and play without commuting, are encouraged here.”

- **Where:** Typically found at intersections of State Roads and thoroughfares (This property is accessed off US25 and surrounded by NCDOT maintained roadway)
- **Uses:** Small services and retail, churches, fuel stations, light industry, mix of residential types including small-scale multi-family (This proposal is consistent with the mix of housing and is surrounded by many varied uses, including commercial, light industry, and residential.)
- **Utility Access:** Utilities are typically not necessary due to the small-scale development, but may be necessary for some development types (This property is served by both public water and public sewer)

**Note: There is a nominal portion of Transitional Area within the Subject Area. If approved, the county may extend the Community Center Character Area to encompass this portion of the Subject Area for consistency.*

Plan Outcomes & Goals:

Of the three outcomes described in the Comprehensive Plan, this project will help to accomplish Outcome 2 of the 2045 Comprehensive Plan for Connectivity due to its ideal location for future residents to live and work in a walkable and transit accessible area.

The 2045 Comprehensive Plan describes the need for Henderson County to allow for more types of housing to accommodate a wider range of occupants, especially *Middle Housing* options (see page 88). Goal 7 of the plan states specifically to “diversify housing choices and increase availability”. This project would help to accomplish this goal.

Map F: Utilities Map



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC

Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres

PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



Water and Sewer

The applicant is proposing a connection to public sewer. The subject area is within MSD sewer service boundary and within proximity to the City of Hendersonville public sewer. Please reference the attached Summary of Sewer Service Options.

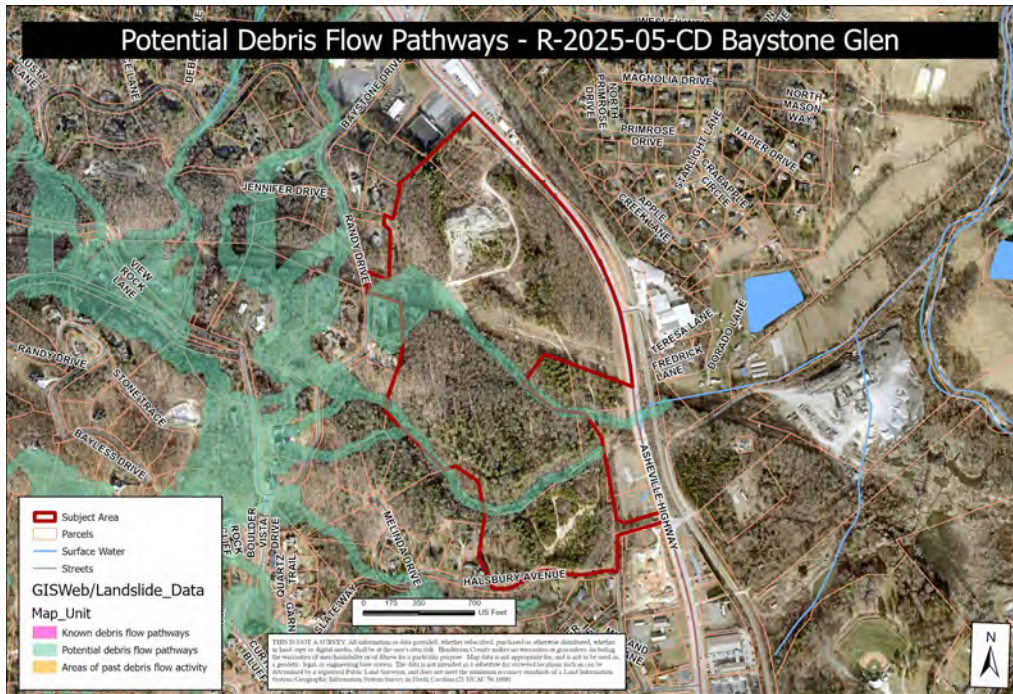
Flood Hazard Area

The subject area is not located within a flood hazard area.

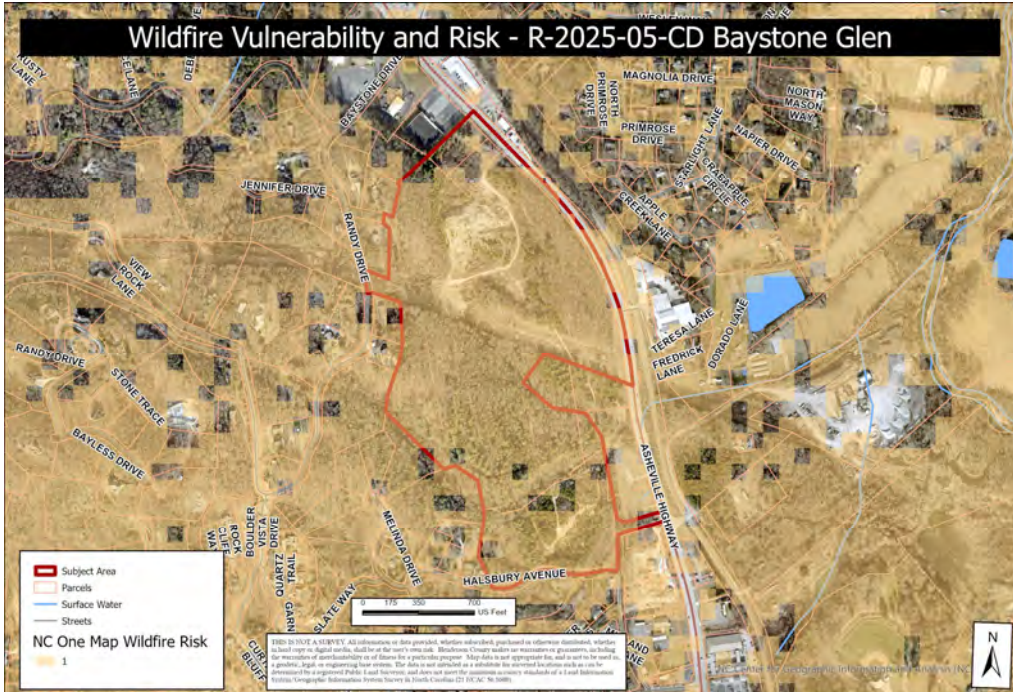
AccelAdapt - Land of Sky Resilience Assessment Tool

AccelAdapt addresses resilience through actionable vulnerability assessments and risk insights. Its data-informed and defensible analyses can improve resilience planning while preparing for a more adaptive future. **This analysis is intended to be informational and is not regulatory.** See images below. There is potential for future debris flow pathways along the parcel, as well as a risk of wildfire. The wildfire risk may be reduced with the development of the property since it is currently forested and vacant.

Map G & H: Landslide & Wildfire Risk



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Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
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Proposed Conditional District (CD-2025-05) Development

As part of the rezoning application, the applicant has submitted a site plan of the proposed development. The applicant is proposing to use the site for a residential development with on-site amenities for the residents. The standard density for multi-family in Community Commercial (CC) is sixteen (16) units per acre and the maximum density for multi-family in R1 is twelve (12) units per acre. Per the LDC requirements, proposed developments of 10 or more multi-family units requires a conditional rezoning. The Conditional District allows the Board of Commissioners to place conditions or restrictions on the property that binds this specific development and location. The site plan limits the development size and density as shown if approved. Any changes would require an amended site plan and approval of the Board of Commissioners. Below is an overview of the proposed development.

- 430 total residential units
 - 30 single-family residential lots
 - 120 townhome units (contained within 23 structures)
 - 280 multi-family units (contained within 10 structures)
 - Total density of 6.34 units per acre
- Amenities
 - Clubhouse with rental office
 - Pool
 - Dog park and outdoor amenity area
 - Sidewalks throughout development
 - Street trees per LDC standards within single-family portion
 - Hydrants throughout development
 - Will reserve area for Apple Country Transit stop near multi-family portion
- Access
 - 3 intersections to Asheville Hwy (US25)
 - 2 restricted access intersections
 - 1 full access intersection
 - 2 intersections to Halsbury Ave (SR1386)
- Landscaping
 - Proposed 30' landscape buffer along eastern property line
- Private roadways
 - 50' private rights-of-way
 - Paved drive isles not to exceed 18%
 - Internal connection between north and south development areas
- Public utilities (See attached Summary of Sewer Service Options)
 - City of Hendersonville public water is proposed (an allocation request has been approved)
 - Applicant is within the MSD sewer service boundary and within proximity to the City of Hendersonville public sewer
 - Applicant is proposing a lift station
 - Applicant has received an allocation from MSD but not formal approval of sewer design

- Applicants' revised plans are proposing to use City of Hendersonville Sewer (No allocation request has been submitted)
- Sewer plan must be approved by the public sewer provider (MSD or City of Hendersonville) and must meet all design requirements and standards
- Development will be subdivided into three separate parcels
 - Tract 1 – Apartments
 - Tract 2 – Townhomes
 - Tract 3 – Single Family
- Open Space is shown as 13.6 acres (20%)
- Common Space is shown as 6.8 acres (10%)
- Approximately 44 acres of disturbed area
- Approximately 20 acres of impervious surfaces post-development

Traffic Impact Analysis (TIA)

NCDOT required a TIA due to the State's threshold for traffic generation associated with the proposed use. The applicant will work with NCDOT to determine which intersections to be studied, the peak hours for traffic counts, and any other potential impacts of the development. Any required road improvements identified in the TIA, and as approved and required by NCDOT, will be included as a county condition if the rezoning is approved. NCDOT has provided some preliminary requirements to the entrances to the development that the applicant has incorporated. Any additional requirements by NCDOT will be a required condition of approval.

Neighborhood Compatibility Meeting

The Neighborhood Compatibility Meeting was held on May 2, 2025, and the meeting summary is attached.

Technical Review Committee (TRC) Recommendations

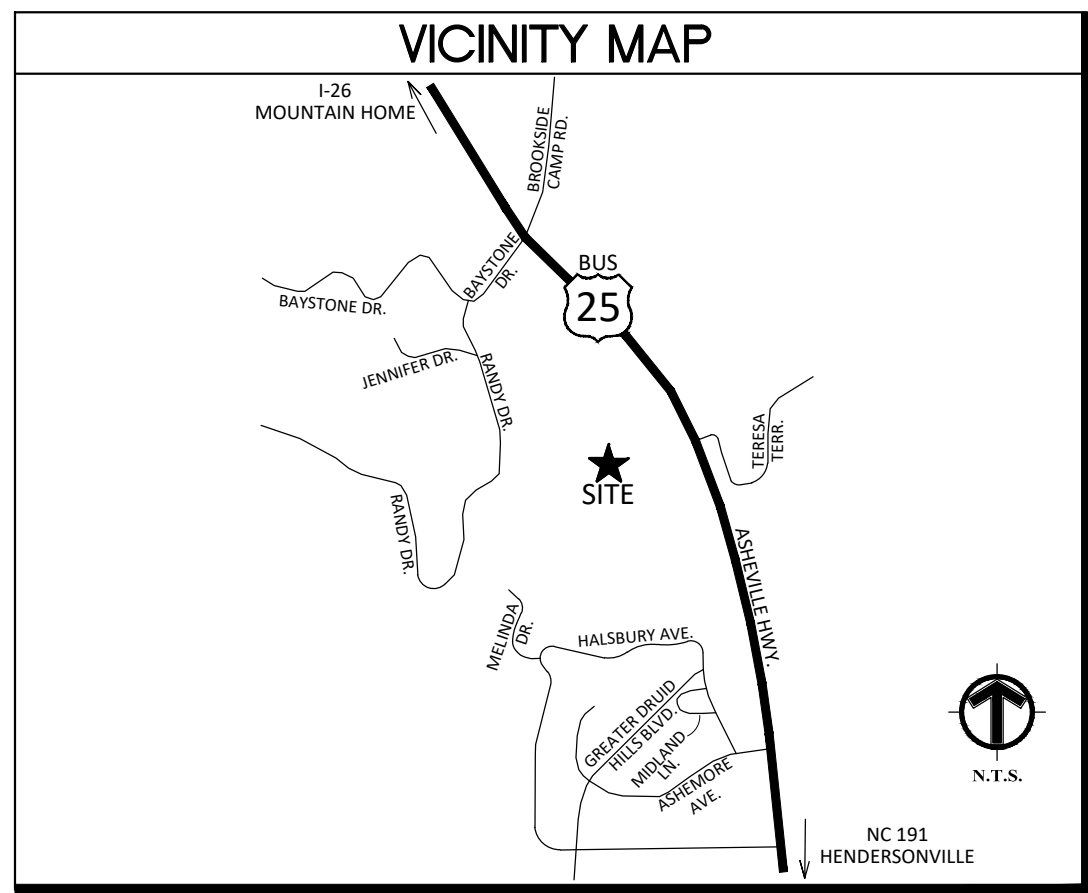
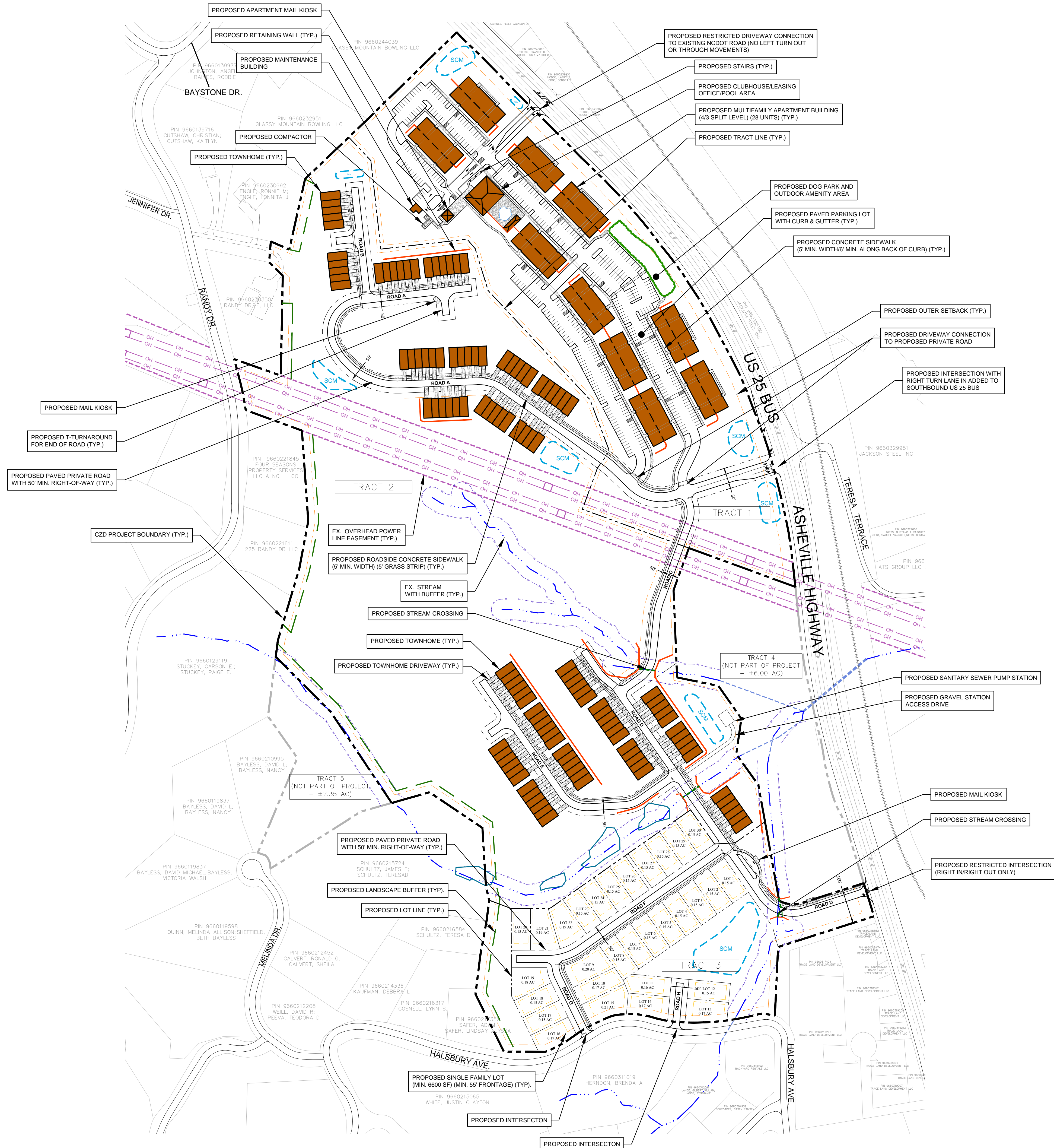
The Technical Review Committee (TRC) reviewed this application on May 6th, July 15th, and on August 5th. While the project has access to both MSD and City of Hendersonville sewer, the TRC decided to forward the application to the Board of Commissioners noting unresolved issues with both the public sewer options. The TRC will make its formal review of the associated site plan on the technical requirements pending Board approval.

Planning Board Recommendations

The Planning Board reviewed the application on July 17, 2025, and voted unanimously to forward a favorable recommendation to the Board of Commissioners with the conditions as discussed. A copy of the conditions is included as an attachment.

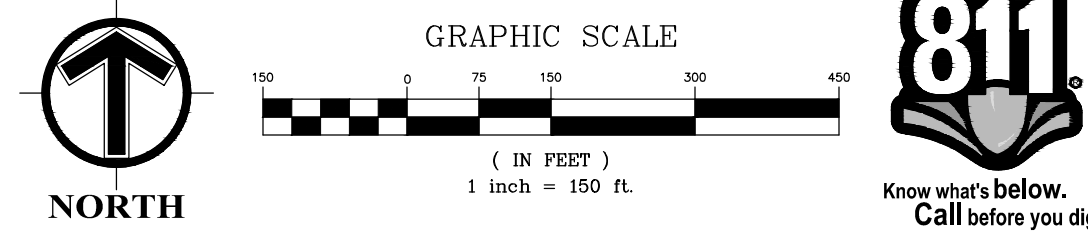
Board of Commissioners Public Hearing

The Board of Commissioners will hold a public hearing for the application on August 20, 2025.



SITE DATA	
PROPERTY INFORMATION	
ADDRESS:	ASHEVILLE HWY (US 25 BUS)
PROJECT SITE ACREAGE:	67.84+- AC
PIN:	9660-23-6968, 9660-23-7875, 9660-22-8850, 9660-32-5424, 9660-32-6028, 9660-31-7635, 9660-31-2567
PLANNING JURISDICTION:	HENDERSON COUNTY
PROPOSED CZD DEVELOPMENT	
SINGLE FAMILY LOTS:	30 LOTS
TOWNHOME UNITS:	120 UNITS
MULTI-FAMILY UNITS:	280 UNITS
TOTAL UNITS:	430 UNITS
DENSITY:	MAX. ALLOWED: 16 (CC) / 12 (R-1) UNITS/ACRE PROPOSED: 6.34 UNITS/ACRE
MF PARKING RATIO:	1:6:1
PROPOSED PUBLIC SEWER:	HENDERSON COUNTY (W/ ON-SITE PUMP STATION)
PROPOSED PUBLIC WATER:	CITY OF HENDERSONVILLE
EXISTING ZONING:	HENDERSON COUNTY R-1 & CC (COMMUNITY COMMERCIAL) APPROX. 3.2 ACRES WITHIN HENDERSONVILLE ETJ
PROPOSED ZONING:	HENDERSON COUNTY CONDITIONAL ZONING (CZD)
SITE DATA	
PROPOSED SETBACKS:	BLVD FRONT OTHER FRONT SIDE REAR CORNER
PROJECT OUTER SETBACKS:	30' 20' 10' 20'
PROJECT INNER SETBACKS:	30' 20' 7' 10'
PROJECT TOWNHOME SETBACKS:	30' 15' 0' 10'
DISTURBED AREA:	46± AC
IMPERVIOUS AREA:	21± AC
OPEN SPACE:	REQUIRED: 13.6 AC (20%) PROVIDED: 13.6 AC COMMON SPACE REQUIRED: 6.8 AC (10%) COMMON SPACE PROVIDED: 6.8 AC
TOWNSHIP:	BALFOUR / MOUNTAIN HOME
FIRE DISTRICT:	MOUNTAIN HOME
WATERSHED:	MUD CREEK / FRENCH BROAD RIVER

- ### GENERAL NOTES
- IMPROVEMENTS WITHIN THE NCDOT RIGHT-OF-WAY ARE TO BE COORDINATED WITH NCDOT AND REQUIRE AN APPROVED ENCROACHMENT PERMIT. CONTRACTOR SHALL REFER TO THE MOST CURRENT EDITION OF NCDOT STANDARD DRAWINGS AND DETAILS.
 - ALL TRAFFIC CONTROL SIGNAGE SHALL CONFORM TO NCDOT STANDARDS AND SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CURRENT EDITION).
 - FINAL MAIL KIOSK LOCATIONS SHALL BE REVIEWED AND APPROVED BY USPS.
 - THE PROPOSED SANITARY SEWER SYSTEM SHALL BE PUBLIC.
 - THE REVIEW AGENCY / UTILITY CONTACT FOR THE PROPOSED WATER SYSTEM IS THE CITY OF HENDERSONVILLE.
 - SANITARY SEWER AND WATER SERVICES SHALL BE STUBBED OUT TO ALL LOTS BEFORE FINAL GRADING.
 - WATER AND SEWER MAINS SHALL HAVE A MINIMUM OF 3' OF COVER.
 - SANITARY SEWER MANHOLE SPACING SHALL BE A MAXIMUM OF 400'.
 - WATER MAINS SHALL BE LAID AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS UNLESS THE ELEVATION OF THE BOTTOM OF THE WATER MAIN IS AT LEAST 24 INCHES ABOVE THE TOP OF THE SEWER WITH A HORIZONTAL SEPARATION OF AT LEAST 3 FEET.
 - CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES ABOVE AND BELOW GROUND AND SHALL BE RESPONSIBLE FOR ANY DAMAGE RESULTING FROM THEIR ACTIVITIES. CONTRACTOR SHALL NOTIFY NORTH CAROLINA ONE CALL (1-800-452-4049) PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED.
 - ALL UNPAVED AREAS SHALL BE TOPSOILED AND SEEDING / SODDED OR MULCHED TO THE LIMITS OF CONSTRUCTION BASED ON ACTUAL FIELD CONDITIONS BEYOND THE APPROVED PLANS.
 - STORM DRAINAGE IS CONCEPTUAL AND SUBJECT TO CHANGE DURING CONSTRUCTION DRAWINGS.
 - ROADS SHALL BE PAVED. NO ROADS OR DRIVEWAYS TO BE CONSTRUCTED STEEPER THAN 18% SLOPE.
 - PROJECT TO FOLLOW HENDERSON COUNTY LANDSCAPE DESIGN STANDARDS.



REVISION
NO. 1
DATE 04/23/25
CZ RESUBMITTAL
CZ RESUBMITTAL
06/16/25

NOT FOR CONSTRUCTION

JUSTIN ROHDE, PE
59 HICKORY TREE ROAD
ASHEVILLE, NORTH CAROLINA 28805
PHONE: (919) 523-6407

HENDERSON COUNTY
DATE: 03/31/2025
PROJECT ENGINEER: J. ROHDE, PE
PROJECT CAD DESIGNER: J. ROHDE, PE
PROJECT SURVEYOR: ALS & PLANNERS, PC

BAYSTONE GLEN
HENDERSON COUNTY, NORTH CAROLINA
CZD SITE PLAN

DRAWING SHEET
C-1.0
PROJECT NUMBER
25001

Summary of Sewer Service Options

TRC Summary: The Technical Review Committee (TRC) reviewed this application on May 6th, July 15th, and on August 5th. The project is located within the MSD sewer service district and in close proximity to the City of Hendersonville sewer. While the project has access to both MSD and City of Hendersonville sewer, the TRC decided to forward the application to the Board of Commissioners noting unresolved issues with both the public sewer options. Below is a summary of these options and issues that were discussed at the TRC meeting with the applicant. A representative from the city utilities and MSD also sit on the TRC and were present for these discussions. The TRC will make its formal review of the associated site plan on the technical requirements pending Board approval of the conditional rezoning request.

MSD Option: The applicant applied and received an allocation for access to MSD public sewer since the subject area is located within the MSD sewer service boundary. Per MSD's standards, the Allocation Approval would require a gravity extension to the subject site, but it did not include approval of a proposed public pump station. The Allocation Approval also included a condition that a private collection system and pump station contained within the property can be permitted if all the units are under one ownership entity. The current Baystone Glen configuration does not meet MSD's policy and design standards with the proposed town-home and single-family sections as shown.

City of Hendersonville Sewer Option: Due to MSD's standards, the applicant requested a revision to their plans to consider the option to connect to the City of Hendersonville Sewer system instead of MSD. The City of Hendersonville stated that sewer could be an option if the project could meet the City's sewer standards and policy. The City of Hendersonville will not consider an allocation request for a customer in MSD's district that has already received an allocation request unless MSD determines that it is not in their best interest to serve the development and release the developer in writing from their allocation.

Any extension of the City's system must comply with City sewer requirements and design standards. The plans for Baystone Glen as shown and discussed by the TRC reflect a proposed "public" gravity collection system that ties into an on-site lift station, which is then proposed to tie into an existing City line using a force main. This configuration does not meet the City's policy and design standards. The city prohibits private systems in the proposed configuration unless the lift station is "public."

Mud Creek Sewer Agreement: It is unclear where the original boundary of the Mud Creek Sewer Agreement is located, but a small corner of the proposed project area may be located within the Mud Creek Sewer Agreement basin. The County could consider being the applicant for the sewer request, however, Henderson County would have to also own and operate the proposed lift station and collection system for this development as a "public" sewer entity. This has not been the practice of the County in the past and was not allowed in the previous Cane Creek policies when the county owned and operated that public sewer system. It is unclear of the County's current position on private or public lift stations. Policy decisions for newly established systems such as Edneyville or Etowah Sewer have yet to be discussed and approved by the Board.

Next Steps: The applicant must submit and receive approval for their sewer plans from either MSD or the City of Hendersonville. If the applicant requests the County to be the applicant for the sewer request, this must be approved by the Board of Commissioners. The Board can make that decision at a later meeting and as a separate item from the conditional rezoning approval. The Board must also determine if it will be responsible for the operation and maintenance of the developments lift station.

The Board may require as a condition of approval that the applicant must secure sewer plan approvals and meet all requirements and standards for the public sewer provider. Any changes to the approved site plan for the conditional rezoning because of sewer requirements may require an amendment to the approved site plan, which requires review and another public hearing. The applicant's agent is aware of these requirements.

Conditional Rezoning Application #R-2025-05-CD
Baystone Glen
Proposed Conditions for Approval

**Tranquil Waters Development, LLC and Boones Station, LLC (Applicants) Bayless Et. Al.,
(Owners), Justin Rohde (Agent)**

The following conditions are for the conditional rezoning application submitted by the Co-Applicants, Tranquil Waters Development, LLC and Boones Station, LLC. The conditions include the proposed site plan and any requirements of the Henderson County Land Development Code (herein “Henderson County LDC”). In case of any conflict between this document, the LDC, and the site plan, the final approved site plan will inform. To the extent that any specification or development standard has been omitted from or is not addressed in the site plan or this document, the presumption is that the standard or specification in the LDC shall apply. The proposed conditions are as follows.

1. **NCDOT Driveway Permit.** NCDOT Driveway Permit and encroachment agreement are required for all intersections onto NCDOT maintained roads. NCDOT is requiring a Traffic Impact Analysis (TIA), the applicant is required to install all improvements requested by NCDOT before 50% of the homes are constructed.
2. **Soil Erosion and Sedimentation Control Plan.** The applicant will be required to submit a Soil Erosion and Sedimentation Control Plan to Henderson County Site Development Department. No ground disturbance can take place until a valid permit is obtained, and a master and development plan are approved (LDC §42-255).
3. **Stormwater/Water Quality.** The applicant is required to obtain a Stormwater Control Permit from the Henderson County Site Development Department (LDC §42-239).
4. **Water Availability.** The development is proposed to be served by the City of Hendersonville public water. The city has approved the water allocation to the site. The applicant still needs to submit all required documentation to the city for final approvals.
5. **Street Tree Requirements.** The applicant will be required to provide one tree per 50 linear feet of property abutting an internal road. The applicant may use existing trees instead of planting new trees. The applicant must meet the standards as stated in Chapter 42 (LDC §42-145 & 146).
6. **Retaining Walls.** The applicant must obtain all required building permits from the Building and Inspections Department for all proposed retaining walls.
7. **Open Space.** The applicant proposes 20% open space and 10% common space. This shall be required as a condition of approval.
8. **Fire Code Standards for Townhomes.** Per the Henderson County Fire Marshall and the Fire Code standards, all townhome units must be sprinkled.
Fire Hydrant: The applicant will be required to install a minimum of one (1) hydrant per 1,000LF of road distance since the development area is served by City of Hendersonville public water Chapter 42 (LDC §42-95(D)).

9. **Fire Hydrant.** The applicant will be required to install a minimum of one (1) hydrant per 1,000LF of road distance since the development area is served by City of Hendersonville public water as stated in Chapter 42 (LDC §42-95(D)).
10. **Lighting Mitigation.** Lighting mitigation is required for all amenity areas.
11. **Hours of Operation.** The hours of operation for any amenity area shall be from dawn to dusk.
12. **Vegetative Buffer.** The applicant shall provide a continuous 30' vegetative buffer along the entire eastern property boundary of the subject area. This condition was noted by the Planning Board and agreed to by the applicant's agent.
13. **Vegetative Berms.** The applicant shall provide a berm along Halsbury Ave within the 15' structure setback outside of the right-of-way. An additional vegetative berm shall be provided within the 30' vegetative buffer along the eastern property line adjacent to the proposed single-family portion of the subject property. This was noted by the Planning Board and agreed to by the applicant's agent.
14. **Public Sewer.** The applicant applied for and received a sewer allocation request from MSD. The applicant is considering requesting sewer allocation from the City of Hendersonville instead. Once the sewer provider is determined, all required allocation requests and plans must be submitted to that provider and approved before any land distributing activities take place. The applicant shall provide this documentation to the Zoning Administrator.
15. **City of Hendersonville ETJ Area.** If approved, the applicant must request through an interlocal agreement for the county zoning to apply to the portion of the subject property within the City ETJ under the conditions of the CD zoning. The applicant has discussed this with City staff but has decided to wait to move forward with the request until the Board of Commissioners has made a decision. This would be required before any additional permits or work could be completed. If approved and agreed upon by both the city and county, an interlocal agreement item would be presented to the Board at a later meeting.
16. **TRC Review and Approval.** The applicant shall resubmit the site plan to the TRC for its final review and approval pending the decision of the Board of Commissioners on the conditional rezoning and once the sewer provider details have been determined.

The applicants/owner/agent agrees to all the above conditions.

Tranquil Waters Development, LLC (Applicant)

Boones Station, LLC (Applicant)

Bayless Et. Al. (Owners)

Justin Rohde (Agent)

William Lapsley, Board of Commissioner Chair



Neighborhood Compatibility Meeting
Conditional Zoning Request #R-2025-05-CD (Baystone Glen)
May 2, 2025, at 10:00 a.m.
King Street Meeting Room located at 100 N. King Street, Hendersonville, NC

Letters about the meeting were mailed to property owners within 400 feet of the proposed development. Both County staff and the applicant(s) agent were present at the meeting.

Ms. Autumn Radcliff opened the meeting and provided a welcome and introduction. 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). The Planning Board meeting to discuss this project will be May 15, 2025, and the anticipated date for the BOC Public Hearing is in June, but all property owners within 400 feet of this proposed development will receive mailed notice letters when the public hearing is officially set. She stated that the applicant would provide an overview of the proposed project and offer an opportunity for attendees to ask questions about the proposed development. Ms. Radcliff explained the conditional rezoning process and upcoming meetings.

Project Overview by the Applicant:

The subject area is currently zoned Regional Commercial (RC), Residential One (R1), and a portion of property within the City of Hendersonville's ETJ, which is currently zoned R-15. Justin Rohde, the engineer and developer for the project, presented an overview of the plans. The 56-acre site will include apartments, townhomes, and single-family homes as well as 15 acres of open space. Portions of the property too steeply sloped for development will be included in the open space. The development will have three entrances. Duke power will have transmission lines through a portion of the site. Mr. Rohde showed the circulation plan, the proposed 30 ft landscape buffer on the western boundary, and the onsite sewer pump station and connection to MSD sewer.

Questions and Answer Discussion: Below is a list of questions or comments asked or stated by the adjacent residents that attended the meeting followed by the applicant's response/explanation.

1. Will the current commercially zoned area stay the way it is?
 - a. The commercial part is not included in this rezoning application, so it will remain as-is.
2. Where are the connections? Is there an entrance on the north side?
 - a. Yes, the existing entrance on the north side will be improved and gated to limit cut-through traffic.
3. Will the edges have vegetation buffers?
 - a. Yes
4. How many residential units will there be?
 - a. 30 single-family homes (two stories, three bedrooms), 120 townhomes, and 280 apartments for a total of 430 units.
5. Price point for homes? Rental prices?
 - a. Not sure yet, but they will be market rate
6. Are they all rentals?
 - a. The apartments will be rentals, and single-family homes likely will be sold.
7. What are the setbacks?
 - a. 55 ft to the lot lines.
8. Separation between buildings?

- a. 14 ft minimum.
9. What will be the square footage of the homes?
 - a. It will vary, but around 2,000 square feet.
10. Are they designed already?
 - a. We are still planning the design.
11. Market value means what?
 - a. Not sure yet, but they will be three bedroom homes on average and two stories.
12. The letter sent out said a different acreage than presented here.
 - a. All 7 underlying tracts are included, but there was initial confusion when the notice letters were sent out about how much of the project site would be part of this conditional rezoning.
 - b. The Planning Board notice letter will show the 56 acres.
13. Is the commercial area part of the purchase?
 - a. Yes
14. How close is this to the Methodist church?
 - a. 700 ft or so, but the clearing activity near the church are separate from this project.
15. Who owns this?
 - a. The developer will be the owner.
16. Have you identified a builder?
 - a. Not yet.
17. Can you imagine what 400 homes will do to that 2-lane road?
 - a. Most people will use Asheville Hwy.
18. There won't be an exit on Halsbury Ave?
 - a. There will be, but we don't anticipate it being used as much as those on Asheville Hwy.
 - b. Fire code requires two entrances.
19. Will any impact studies be done for our school system, hospital system, traffic, etc. to see how to increase capacity to accommodate so many new homes?
 - a. There will be a TIA, but no other studies have been required.
 - b. This is not being proposed for annexation, because they aren't connecting to Hendersonville sewer. They will use MSD sewer.
 - c. A small portion is in the ETJ, so the applicant is asking for an interlocal agreement for County zoning to apply to that portion.
20. What school system will serve it? Our EMS and hospital systems will be overwhelmed. There's an influx of new, large-scale developments popping up like Taproot.
 - a. We are not allowed to do impact fees in NC, so we cannot force the developer to take on the cost of the additional services.
21. We need a threshold on how to protect our EMS services from being overwhelmed. They won't be able to respond to emergencies, disasters, or another pandemic if they are so overwhelmed by the rapid influx.
22. We've outgrown our private systems. The roads haven't been upgraded in years, and we are not keeping up with the pace of growth. When will we say we can't accept any more growth? Our small town is what makes us desirable, but we are becoming more congested and don't have the room for more.
23. As a realtor, I love growth and selling homes. But our market is becoming unstable. Taproot has units that can't be sold because they've already met the threshold and there's not enough demand.
24. Teachers are overwhelmed and not paid enough as it is.
25. How does this compare to the DR Horton project on Clear Creek Rd?
 - a. That development is larger than this one. It has 300 single-family homes and more townhomes in 17-18 structures.
 - b. The School District is Clear Creek Elementary School.
26. Septic or sewer?
 - a. Public Sewer.
27. Is this MSD or Hendersonville?
 - a. MSD service area, but near a Hendersonville manhole. There is a sewer close by.
28. What is the timeframe for building?

- a. We will likely break ground sometime in 2026.
- 29. Where will development start?
 - a. Not sure yet.
- 30. Too many people in too small an area. We love our wildlife that comes through, thanks to all our trees. But we will lose all our space and nature with this development coming in.
 - a. 15-20 acres will be open space. A lot of developments would not offer that much
 - b. We can't build on steeper slopes, so that will remain undeveloped.
- 31. Will the open space be public?
 - a. Trails will only be for residents, and there will be a 30 ft landscape buffer on western side, and a 30 ft setback on Halsbury Ave.
- 32. Zoning?
 - a. Currently RC, R1, and R15 in the ETJ
 - b. It will be moved to a Conditional District, if approved.
 - c. This has to be conditionally rezoned given the size of the development. With Conditional, you must have a site plan, and if approved, you must meet the conditions and build exactly what is on the site plan.
 - d. Any condition from DOT's TIA will be a condition.
- 33. What kind of conditions could come from the TIA?
 - a. Could be a right-in, right-out only turn lane.
- 34. Will construction traffic come off of Halsbury or Asheville Hwy?
 - a. Most likely off Asheville Hwy.
 - b. We can add that as a condition, too—that construction traffic can't use the side streets.
- 35. Will the main exit to Asheville Hwy have stop signs? That will make it impossible, it's already hard to make that turn.
 - a. DOT does not want a light there.
 - b. Traffic light or stop sign is still to be determined.
- 36. Will there be fire access through the gate?
 - a. Fire code will require residents to be able to exit through any gates.
 - b. A code is required to allow EMS access through gates.
- 37. How do we get a stop sign instead of a yield sign?
 - a. We will put you in touch with DOT to get that changed, the County can't maintain any roads.
 - b. This is a longer process than just today. You will receive a letter for Planning Board and for the public hearing with the BOC. Planning Board will make a recommendation to the BOC, then the BOC has the authority to make the decision.
- 38. What if it's turned down?
 - a. Then that's it. The applicant may make changes to the site plan based on BOC comments, and could resubmit the application. If that happens, you would all get notified again.
- 39. Who gets letters?
 - a. All property owners within 400 ft of the edges of the project area.
 - b. Anyone can attend or speak about this project, it is not limited to the neighbors. These are public meetings.
 - c. Open public comment—sign in sheet and speak at the podium, limited to 3 minutes. Different format from this meeting; not a dialogue
 - d. You can submit a letter or email to us if you can't attend, and staff will present it to the Planning Board and/or BOC.

Ms. Radcliff and Mr. Champion explained the next steps in the process for public comment at the Planning Board and public hearing. Any conditions put on the applicant must be agreed to in writing. Any required permits as conditions must be in hand before work can be done. A summary of this meeting will be created that will become part of the packet as it moves through the process. Staff is also working on developing a list of conditions.

Next Steps: The Planning Board will review this application at its May 15th meeting and make a recommendation to the Board of Commissioners (BOC). The BOC will hold a public hearing before

acting on the application, most likely at their meeting in June. Ms. Radcliff stated that property owners within 400 ft of the project will be mailed a notice for the Planning Board meeting and will receive additional notice of the BOC meeting once the date has been set. The public hearing will be advertised in the Hendersonville Lightning and the property will be posted. The BOC has the final approval authority on the project.


With no further comments or questions, the meeting was concluded at 10:35 a.m.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343 the Planning Department certifies notice of the August 20, 2025 hearing regarding Rezoning Application #R-2025-05-CD were:

1. Submitted to the Hendersonville Lightning on August 1, 2025 to be published on August 6, 2025 and August 13, 2025 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on August 4, 2025 by Matt Champion;
3. Sent, via first class mail, to the property owner on August 4, 2025 by Matt Champion; and
4. Signs were posted on the Subject Area(s) on August 5, 2025 by Matt Champion.

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

1. 

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

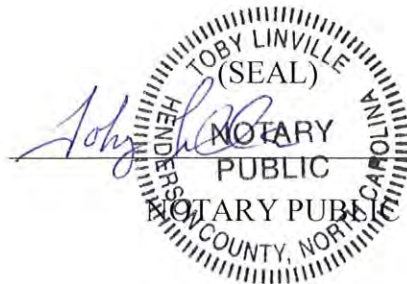
Matt Champion

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 5th day of August, 2025.

My commission expires:

6/29/26





REZONING APPLICATION R-2025-05-CD
BAYSTONE GLEN
COMPREHENSIVE PLAN STATEMENT

Related to rezoning application R-2025-05-CD, the Comprehensive Plan states the following:

The 2045 Comprehensive Plan highlights the need for more housing supply with a greater variety of housing types in Henderson County to accommodate a broader range of residents. Rising housing demand and costs arose as a key issue during the engagement process. Outcome 3 of the plan emphasizes the need to improve housing availability. Goal 7 of the plan states to “diversify housing choices and increase availability” (p. 86).

- Rec 7.2: Encourage development of housing.
 - A. Consider creating incentives to encourage the creation of workforce housing developments.
 - C. Support appropriately sized affordable housing developments within rural, agricultural areas and residential zoning districts.
- Rec 7.4: Locate workforce housing near jobs.
 - A. In accordance with guidance from the Future Land Use Map, support residential development near employment areas and in and around commercial centers.

Additionally, the 2045 Comprehensive Plan highlighted the need for more connectivity to serve the community. Outcome 2, Goal 4 of the plan emphasizes the need to prioritize multi-modal transportation options and connectivity (p. 72).

The Board should determine if the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.

BAYSTONE GLEN

Conditional Rezoning Application (#R-2025-05-CD)

Public Hearing

August 20, 2025

1

PUBLIC HEARING NOTICE

- Legal Ad was published in the Hendersonville Lightning on August 6, 2025, and August 13, 2025
- The property was posted on August 5, 2025
- Letters were mailed to property owners within 400 feet of the Subject Area on August 4, 2025

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CONDITIONAL DISTRICTS

Conditional Rezoning are:

- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The TRC, Planning Board, and BOC may require conditions of the development, provided the applicant agrees to those conditions
- The Conditional process provides protection to adjacent properties
- Pre the current LDC standard, projects proposing 10 or more multi-units must apply as a conditional rezoning application

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APPLICATION BACKGROUND

- Conditional Rezoning Application #R-2025-05-CD, requests to be rezoned from its current CC and RI designation to Conditional District CD-2025-05
- **Note:** A small portion of the project is located in the City of Hendersonville's ETJ. A condition of approval will require the applicant to request that the county's conditional zoning district be applied to this portion of the property. A separate interlocal agreement will be considered at a later meeting, pending the Board's decision.
- PINs: 9660-23-6968, 9660-23-7875, 9660-22-8850, 9660-32-5424, 9660-35-6028, 9660-31-7635, & 9660-31-2567
- Approximately 67.84 acres
- Access from Asheville Hwy (US25)
- Owners: Bayless Et. Al.
- Applicant: Boones Station, LLC & Tranquil Waters Development, LLC (Justin Rohde, Agent).
- Neighborhood Compatibility Meeting was held on May 2, 2025

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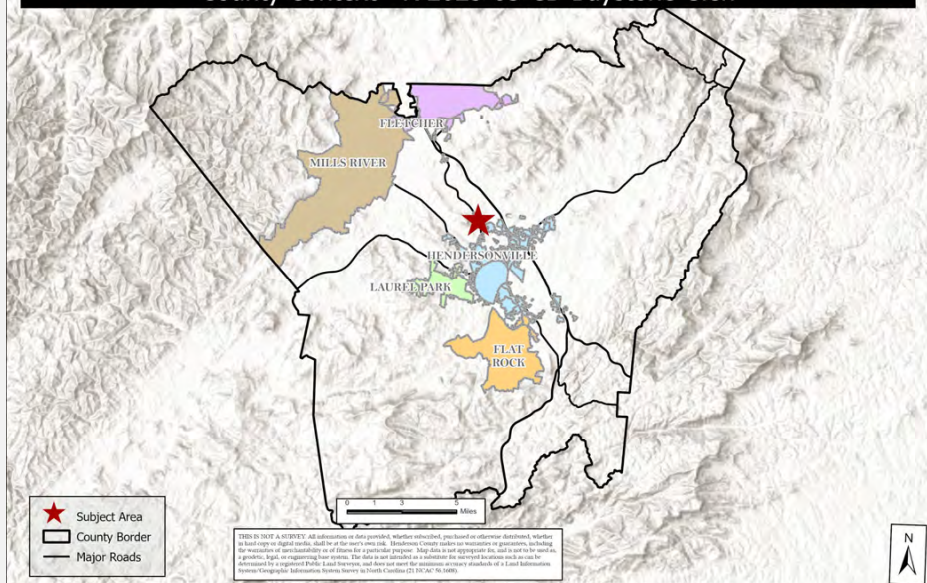
PROJECT SUMMARY

- 67.84 ac
- 430 residential units
 - 30 single-family lots
 - 120 townhome units
 - 280 multi-family units
- Utilities:
 - City of Hendersonville Water
 - Public Sewer (MSD or City of Hendersonville)
- Amenities
 - Clubhouse with rental office
 - Dog park
 - Pool
- Sidewalks
- Hydrants
- Street trees
- Future Apple Country Transit stop
- 50' private rights-of-way
 - Paved drive isles
 - Internal connections
 - 3 intersections to Asheville Hwy
 - 2 intersections to Halsbury Ave
- Open Space: 13.6 ac
- Common Space: 6.8 ac

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LOCATION

County Context - R-2025-05-CD Baystone Glen



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



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SUMMARY OF SEWER SERVICE OPTIONS

MSD Option:

- Project is within the MSD sewer district boundary
- Applicant received an allocation request for sewer, but current plans need approval and do not meet MSD standards
- Private lift station proposed, which will require the development to be under single ownership

City of Hendersonville Option:

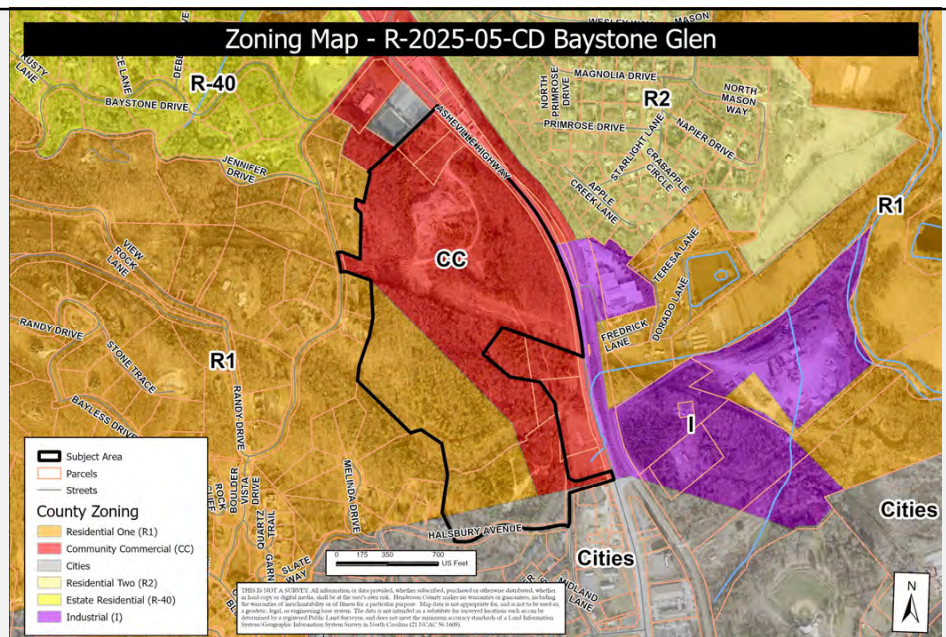
- Project is within close proximity to the City of Hendersonville sewer (No allocation request has been submitted)
- City of Hendersonville does not allow private lift stations
- A small portion of the project may be located within the Mud Creek Sewer Agreement
 - The County can consider being the applicant for the sewer, but it would require the County to operate and maintain the system and lift station as a public sewer.

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Current Zoning:
**Residential One (R1)
& Community
Commercial (CC)**

Note: Small portion is located in the
City of Hendersonville's ETJ.

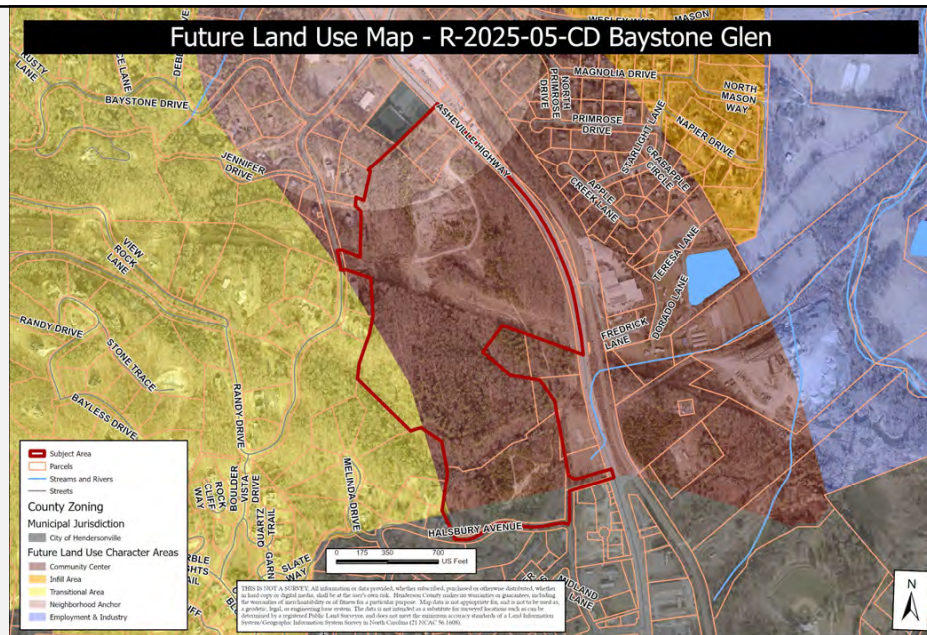
Requested Zoning:
**Conditional District
(CD-2025-05)**



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



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Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



2045 COMPREHENSIVE PLAN FLUM

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2045 COMPREHENSIVE PLAN

FUTURE LAND USE CHARACTER AREAS

FLUM Character Areas:

Community Center: “Community Centers are larger commercial nodes that serve broader geographic areas than Neighborhood Anchors. These areas typically have higher concentrations of nonresidential uses and commercial services that contribute to the tax base. However, mixed-used development is also encouraged, especially to offer multi-story units.....”

Transitional Area: “Transitional Area encompasses residential areas of limited density. Conservation subdivisions should be encouraged in these areas to provide and protect open space.”

Neighborhood Anchor: “Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses. Developments that accommodate the ability to live, work, and play without commuting, are encouraged here.”

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2045 COMPREHENSIVE PLAN

Plan Outcomes & Goals

- More housing supply with a greater variety of housing types in the County to accommodate a broader range of residents.
- Outcome 3 of the plan emphasizes the need to improve housing availability.
- Goal 7 of the plan states to “diversify housing choices and increase availability.”
 - REC 7.2: Encourage development of housing.
 - REC 7.4: Locate workforce housing near jobs.
- Outcome 2 of the plan emphasizes the need to prioritize multi-modal transportation options and connectivity
 - Ideal location for future residents to live and work in a walkable and transit accessible area

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UTILITIES



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



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ACCELADAPT



Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)

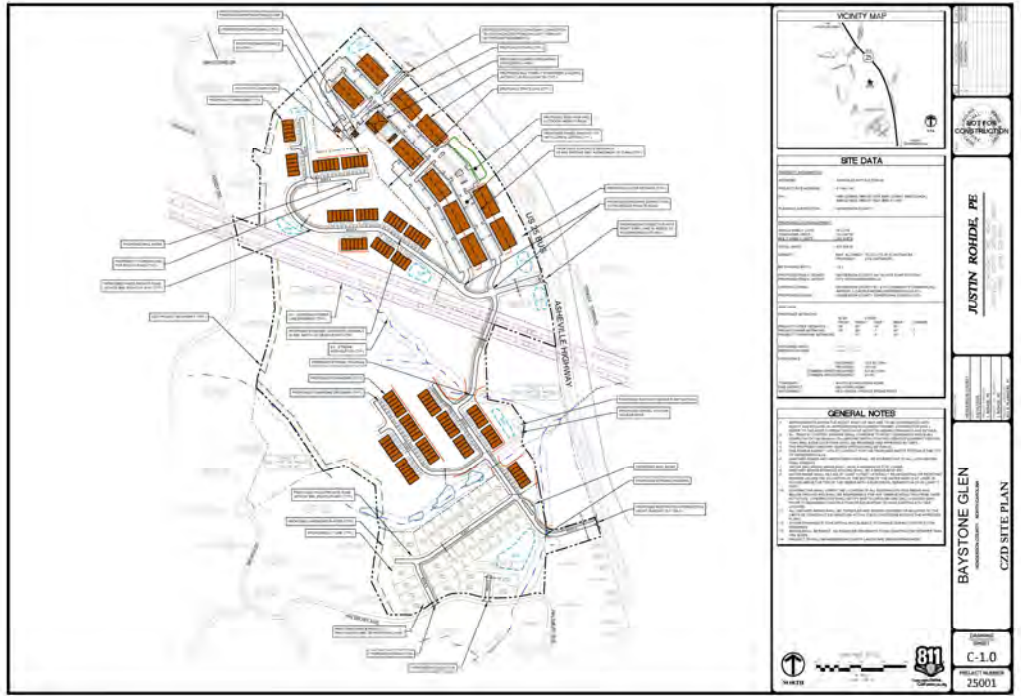


Property Owners: Bayless Et Al. / Applicant: Tranquil Waters Development, LLC & Boones Station, LLC
 Agent: Justin Rohde / Subject Area Acreage: 67.84 Acres
 PINs: See Staff Report / Requested Zoning: Conditional District (CD-2025-05)



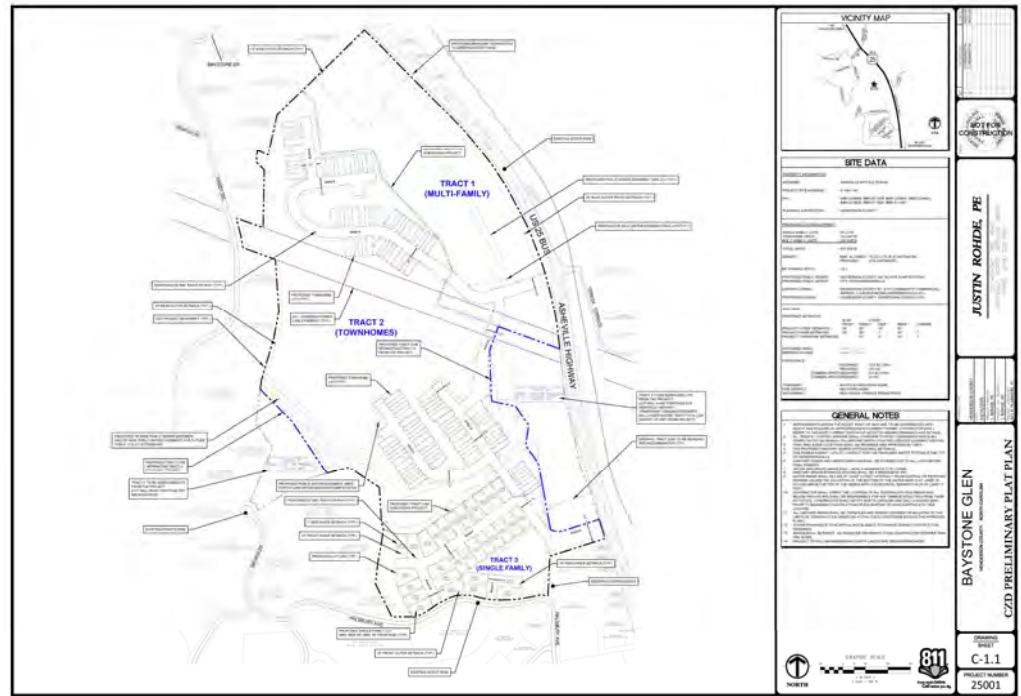
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SITE PLAN



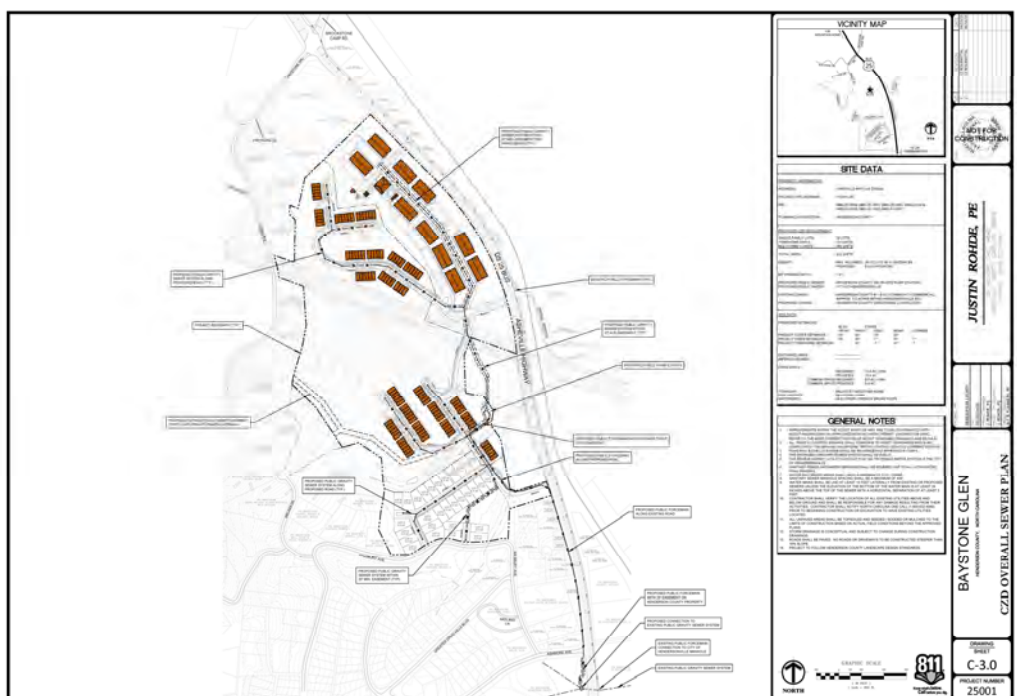
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PLAT PLAN

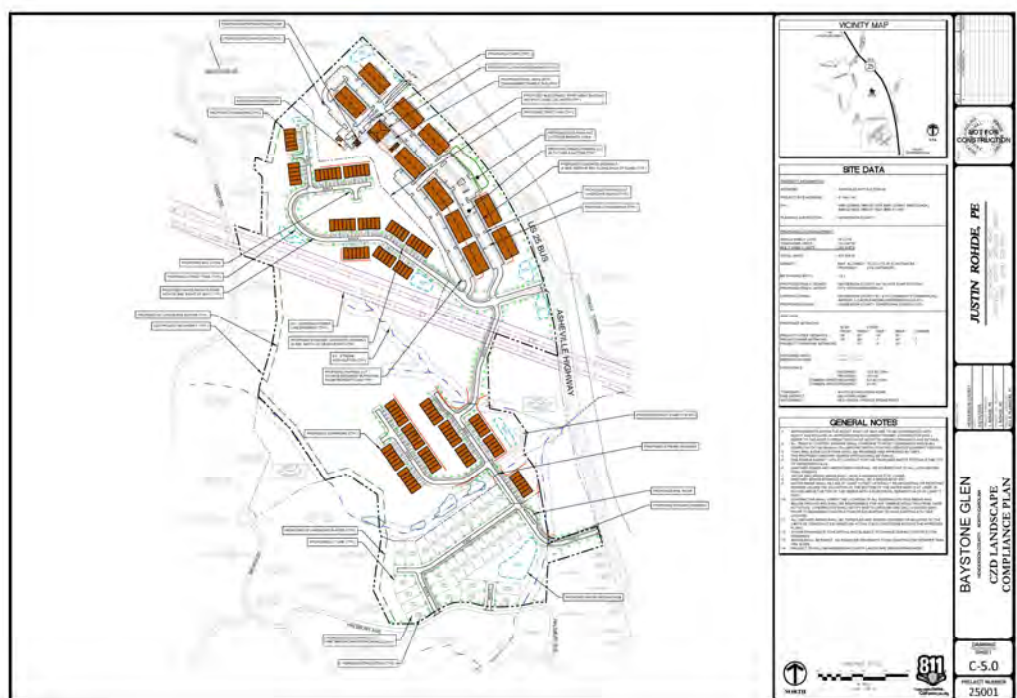


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REVIEW PROCESS

- A Neighborhood Compatibility Meeting was held on May 2nd
- TRC reviewed the application on May 6th, July 15th, and August 5th
 - TRC forwarded the application to the BOC, but will review the site plan and technical requirements pending the Board of Commissioners' decision (see attached Summary of Sewer Service Options)
- Planning Board reviewed the application on July 17th and voted unanimously to forward a favorable recommendation to the Board
- The conditions list is included as an attachment
- A 2045 Comprehensive Plan Statement is included as an attachment

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QUESTIONS?

Rezoning #R-2025-05-CD
Baystone Glen
Henderson County Planning Department



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SITE PLAN

