

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 15, 2025

SUBJECT: Conditional Rezoning Application (#R-2025-05-CD) – Baystone Glen

PRESENTER: Russ Burrell, County Attorney
Matt Champion, Zoning Administrator

ATTACHMENTS: 1. Revised Site Plan
2. List of Conditions
3. Plan Consistency Statement

SUMMARY OF REQUEST:

On August 20, 2025, the Board of Commissioners held a public hearing for Rezoning Application #R-2025-05-CD, which requested 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). Following the public hearing and discussion by the Board, certain conditions and requests were made of the applicant. The applicant and applicant's attorney requested to table the item for continued discussions at a later date.

The applicant has submitted a revised master plan after continued discussions with the County Fire Marshall's Office. The revised master plan shows a Fire Access Road between the apartments and the northern most section of townhomes. The road is shown as a 30' easement with a 20' wide paved surface. This is a minor change that does not require a re-review.

BOARD ACTION REQUESTED:

The Board is requested to approve, approve with modifications, or deny rezoning application #R-2025-05-CD. A list of conditions is attached for the Board's review.

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.

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 Access Road.** The revised master plan shows a Fire Access Road between the apartments and the northern most section of townhomes. The road is shown as a 30’ easement with a 20’ wide paved surface.
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 western 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 20' structure setback outside of the right-of-way. An additional vegetative berm shall be provided within the 30' vegetative buffer along the western 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 must connect to public sewer.
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



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.