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

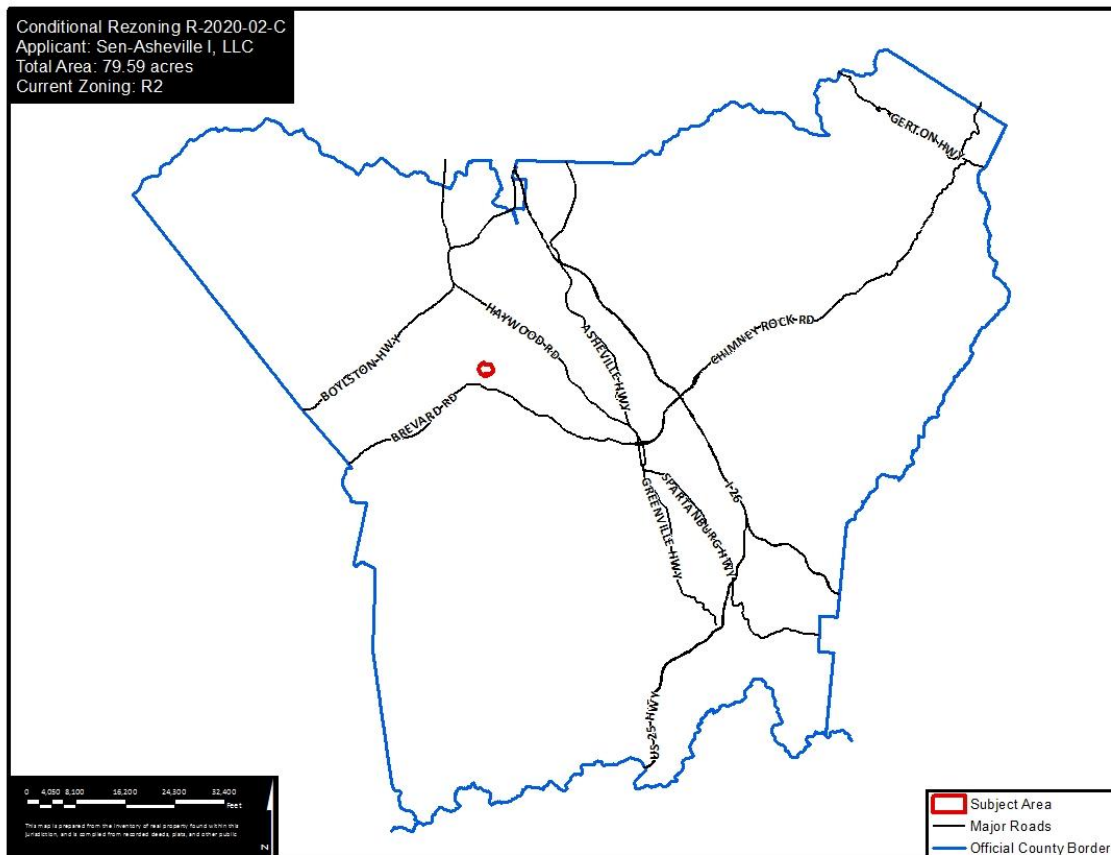
**Owner(s)**  
**SEN-ASHEVILLE I, LLC (John Turchin, Agent)**

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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).

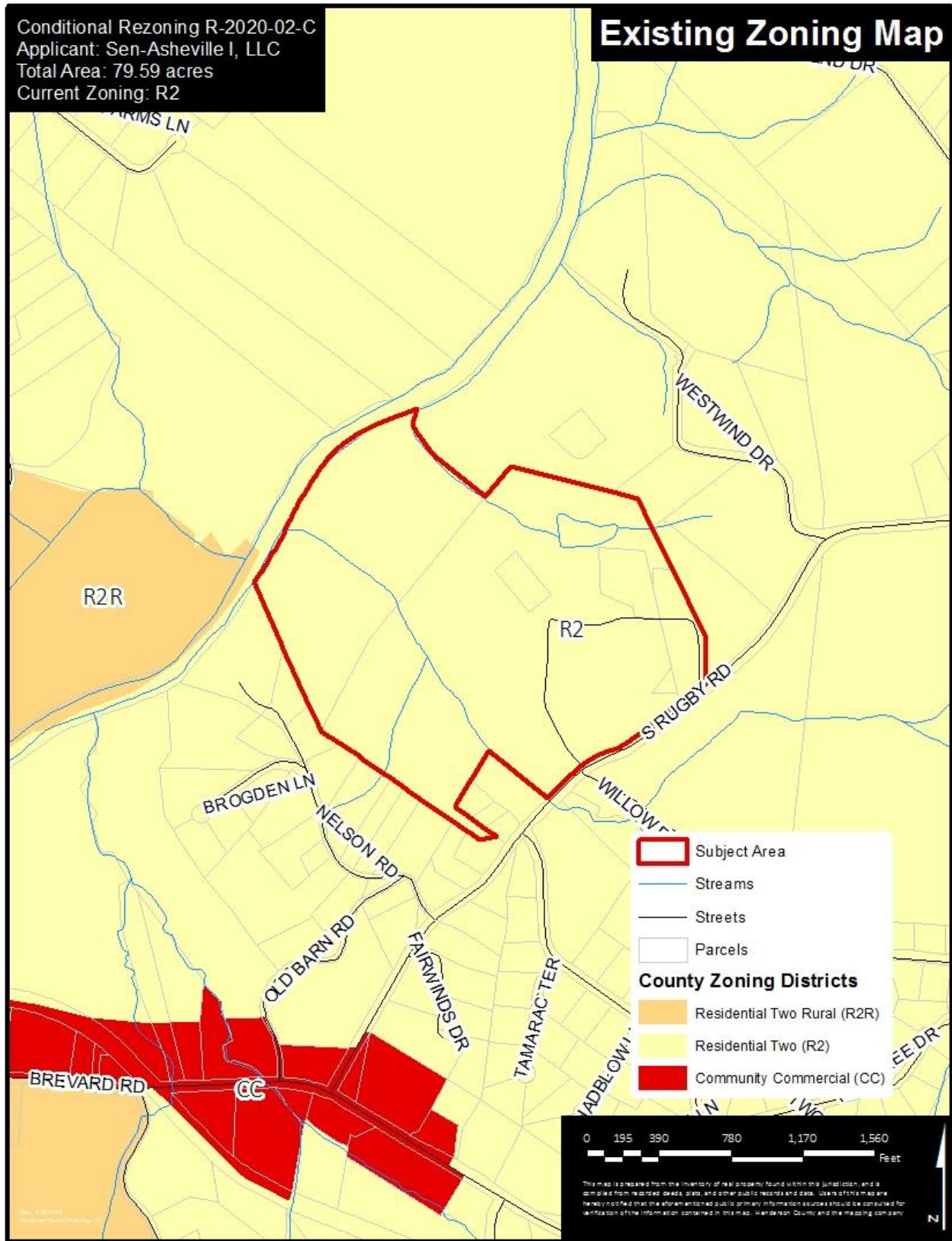
**3.3. District Comparison:**

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



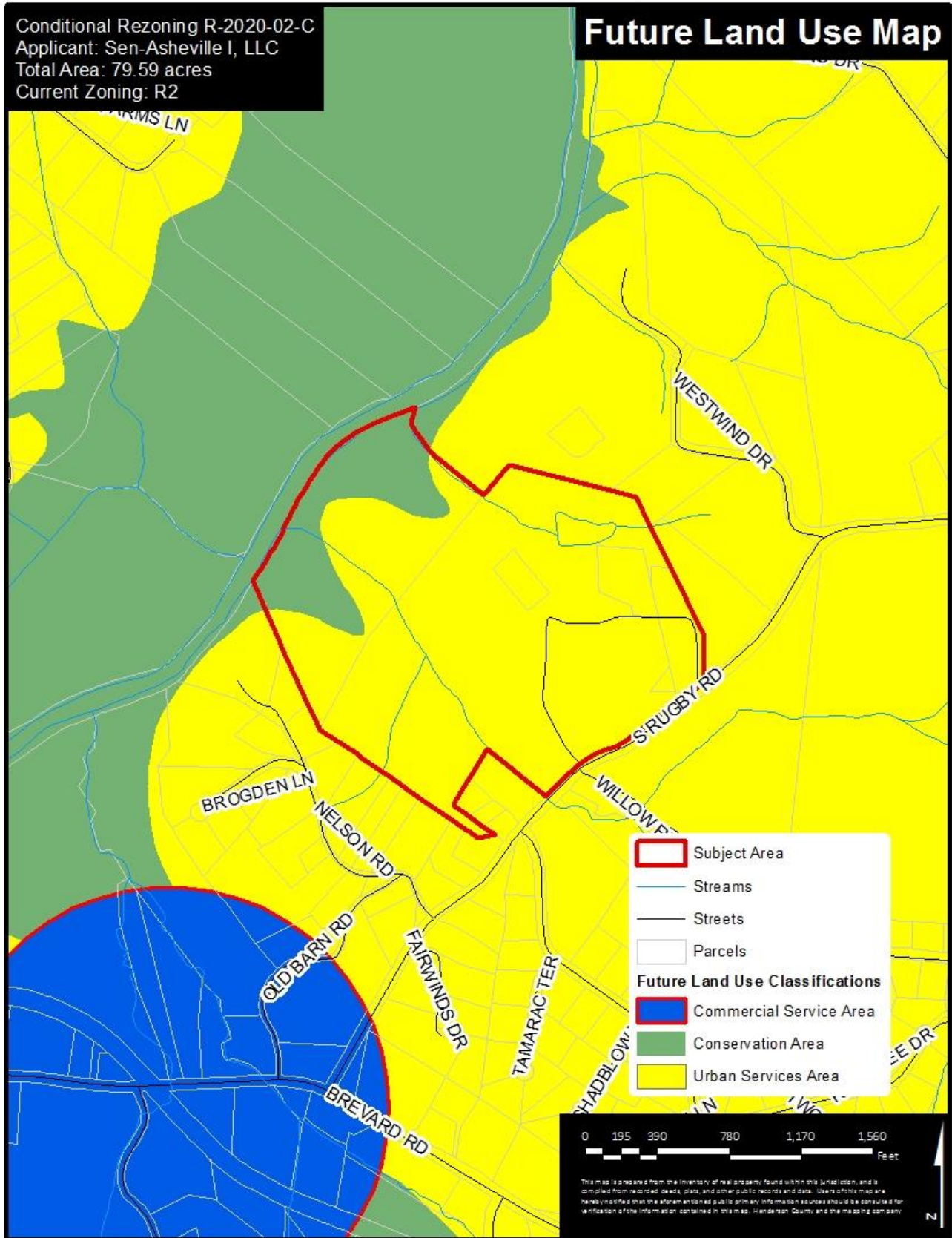
**4. The Henderson County Comprehensive Plan (CCP)**

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).

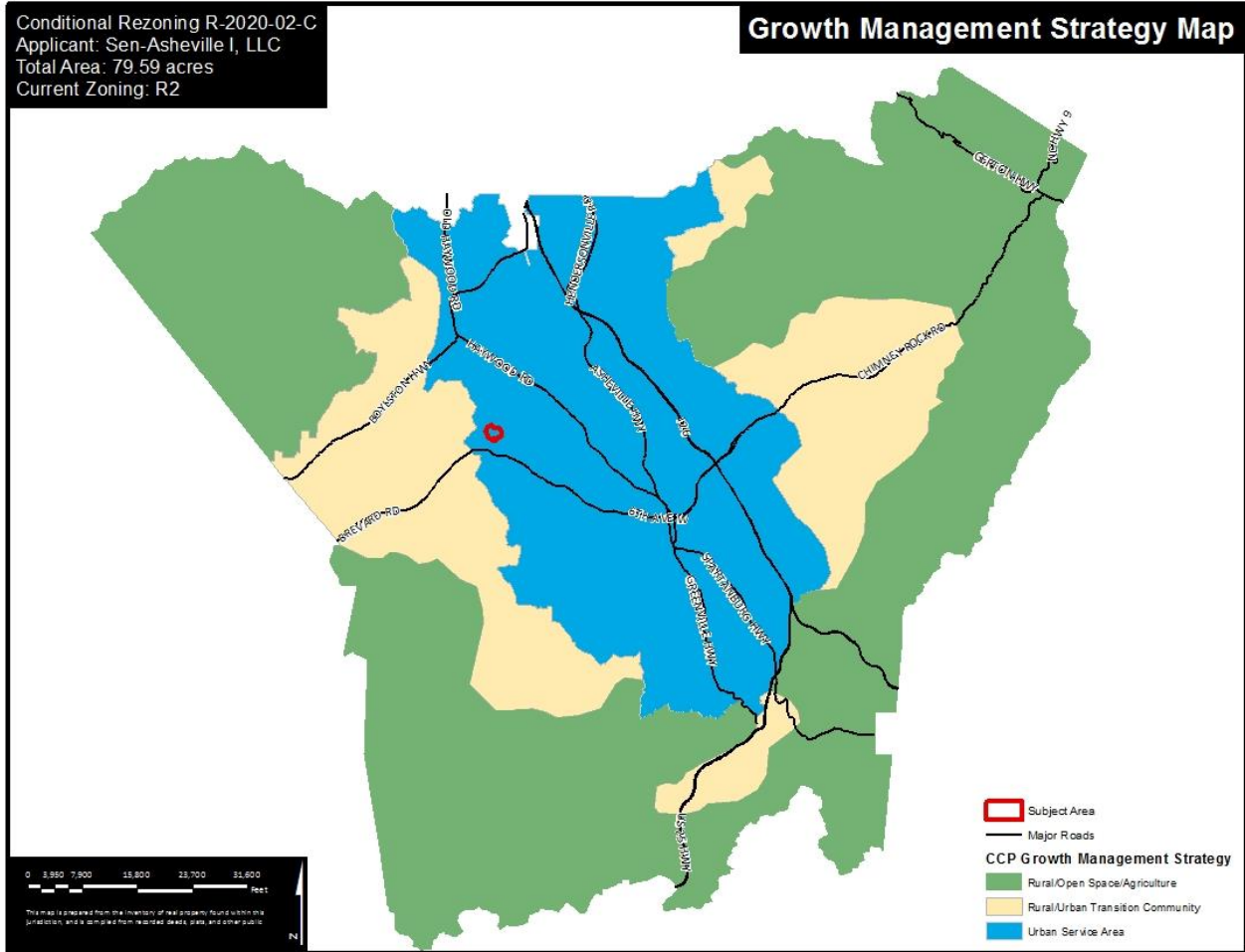
4.1.2. **Conservation:** This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following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

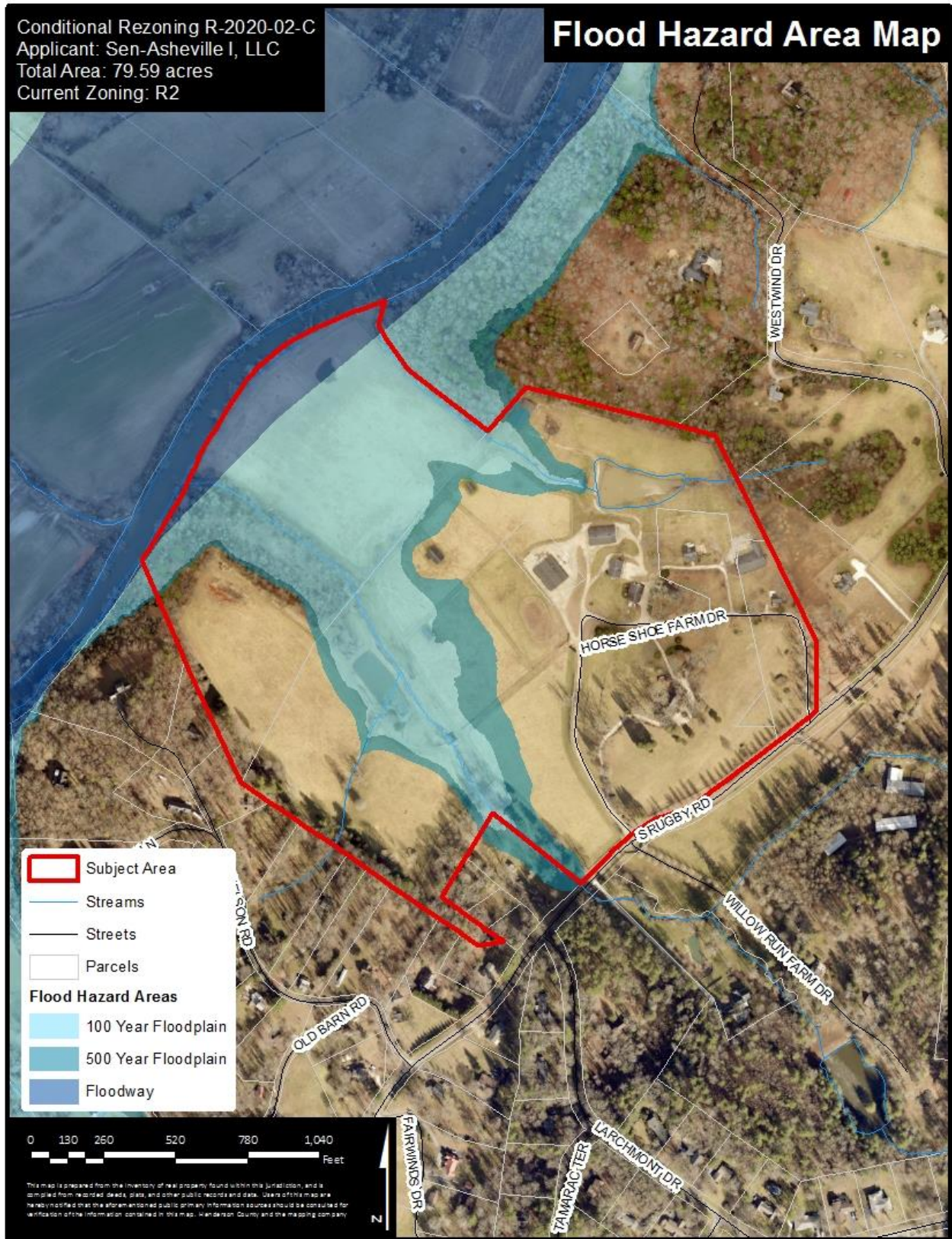


4.1.3. **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states “The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all 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 is scheduled for Wednesday, May 27, 2020 at 1:00 PM in the King Street Meeting Room. Invitations were sent to property owners within 400 feet of the subject area's boundary.

10.2. A report of this meeting will be forwarded to the Planning Board and Board of Commissioners.

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

11.1. The TRC will hear the application at their June 2, 2020 meeting.

**12. Planning Board Recommendations**

12.1. The Planning Board will hear 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.