

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

MEETING DATE: January 15, 2019

SUBJECT: Rezoning Application #R-2018-07-C Horseshoe Farms

PRESENTER: Allen McNeill, Planner

ATTACHMENTS: 1.) Staff Report
2.) Master Plan
3.) Notice to Vacate Approval

SUMMARY OF REQUEST:

Rezoning Application #R-2018-07-C was initiated on November 30, 2018 and requests that the County conditionally rezone approximately 79.588 acres of land from Residential Two to a Local Commercial Conditional District. The acreage consists of 6 parcels. The property owner is SEN-Asheville I, LLC. John Turchin will be serving as agent.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Should the rezoning application meet the technical standards laid out in the Henderson County Land Development Code, the appropriate action by the Technical Review Committee would be to forward the application on to the Planning Board for further review.

Suggested Motion:

I move that the TRC forward the rezoning application, #R-2018-07-C, to the Planning Board for further review pending it meets the technical requirements laid out in the Henderson County Land Development Code.

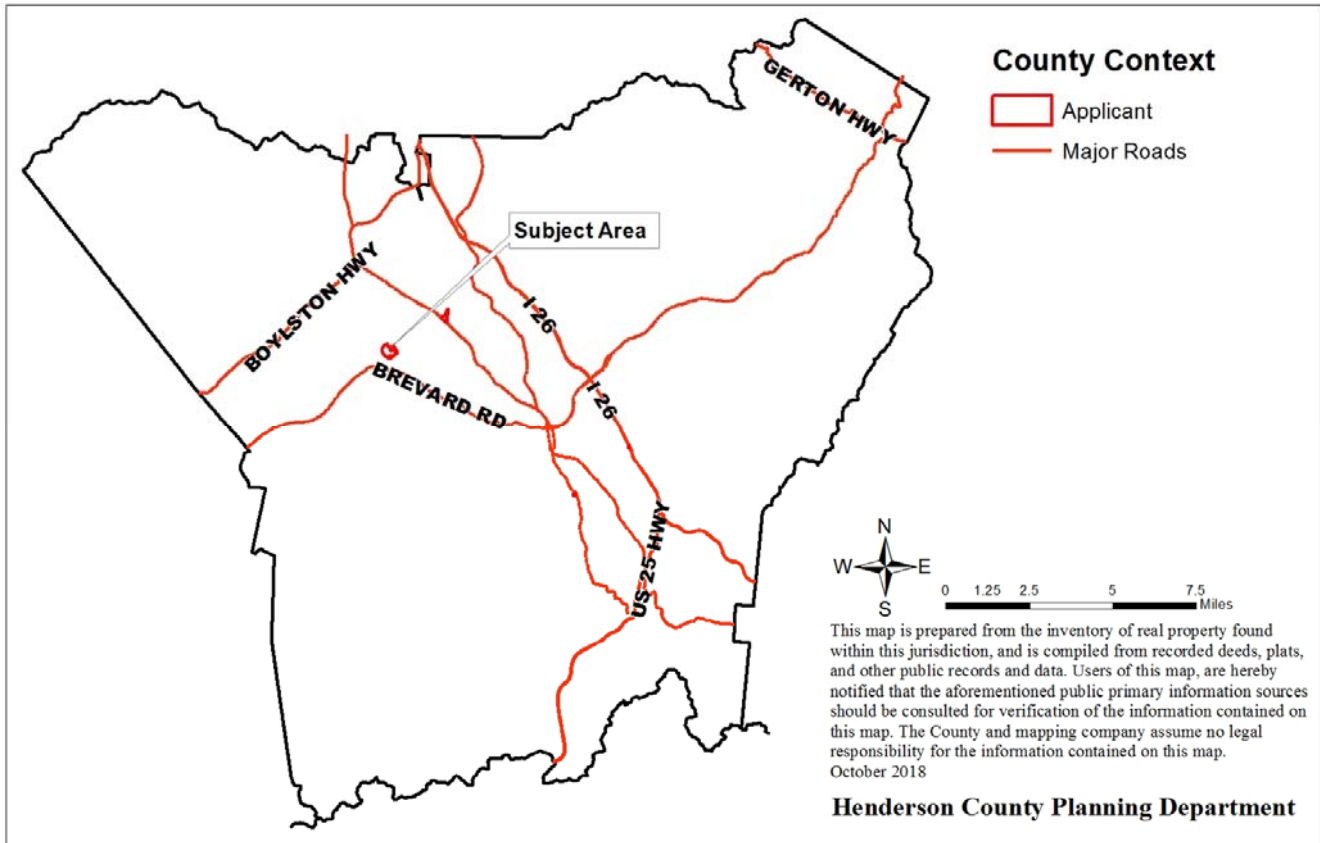
Henderson County Planning Department Staff Report
Rezoning Application #R-2018-07-C (R2 to LC-CD)

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

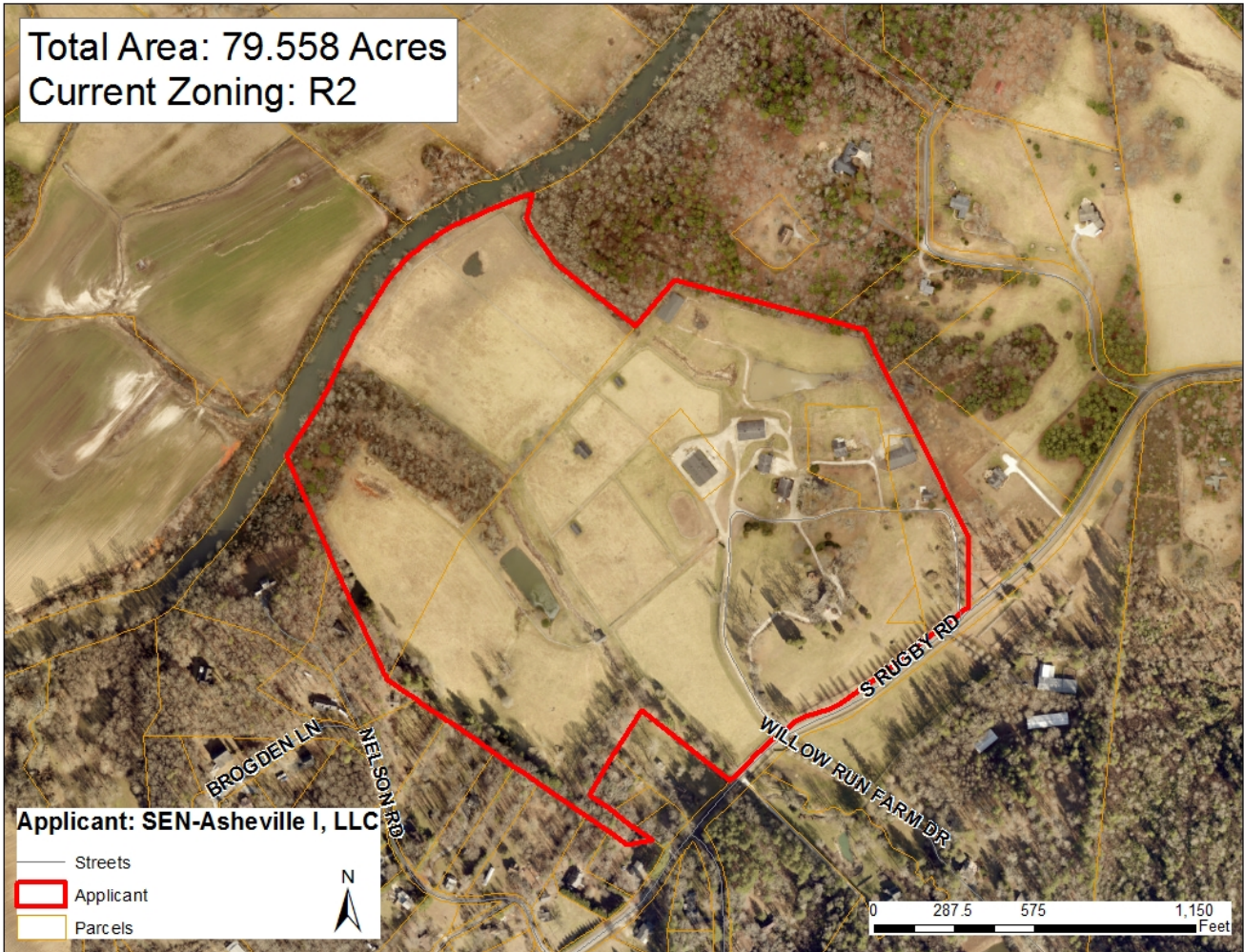
1. Rezoning Request

- 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, & 9640-20-5321
- 1.4. **Request:** Rezone subject area from a Residential Two (R2) zoning district to a Local Commercial Conditional (LC-CD) zoning district.
- 1.5. **Size:** Approximately 79.588 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 Zoning

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

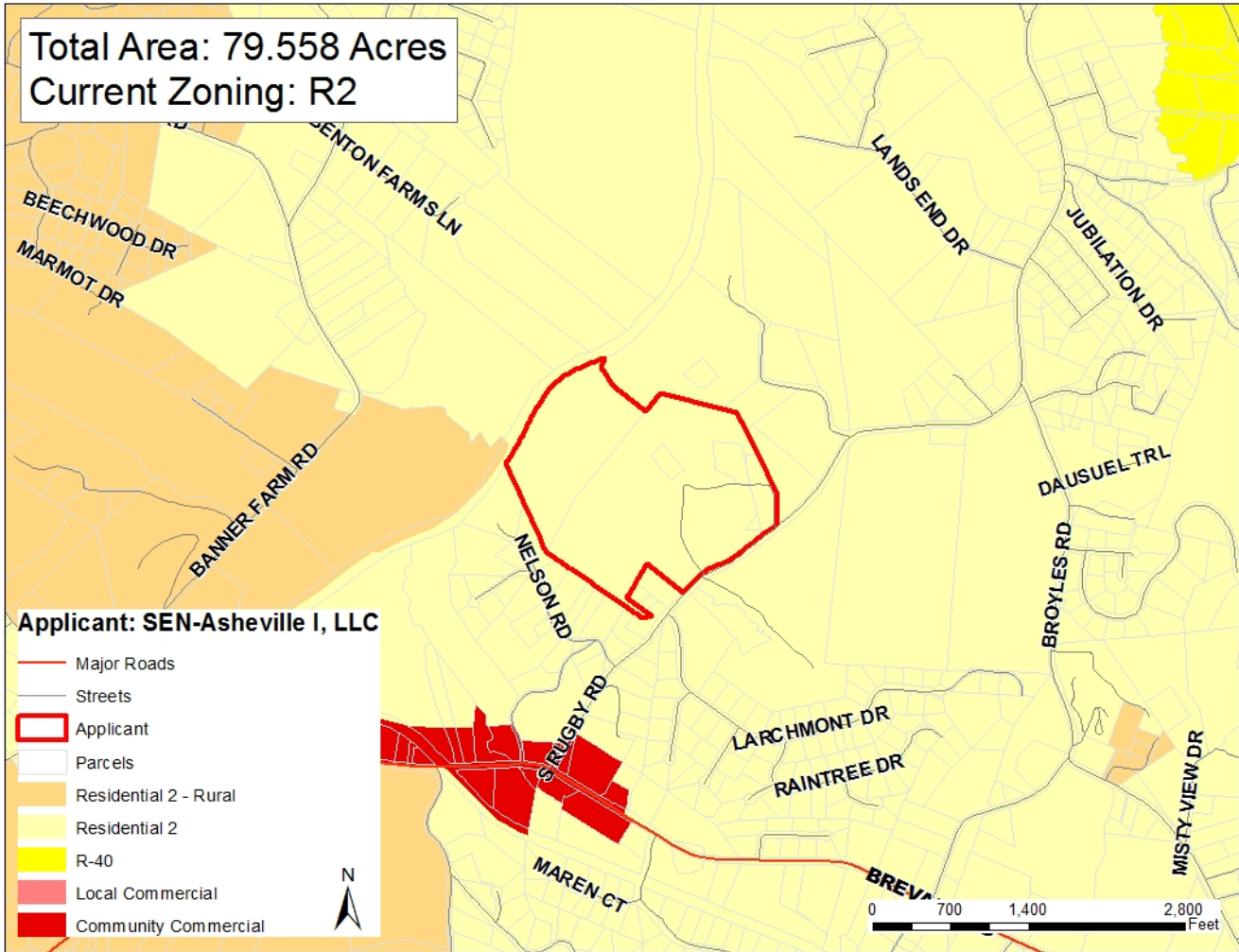
2.2. **Adjacent Zoning:** The subject area is adjacent to mainly Residential Two (R2) zoning. There is a section of Residential Two-Rural (R2R) zoning across the French Broad River to the west and Community Commercial (CC) to the south at the intersection of South Rugby Road (SR 1312) and Brevard Road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

2.3. District Comparison:

2.3.1. **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 §42A-28).

Map C: Current Zoning



2.3.1. Local Commercial Conditional District (LC-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)

2.4. 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.

3. Current Uses of Subject Area and Adjacent Properties

3.1. Subject Area Uses: The subject area is primarily used for agriculture and residential purposes. There are currently a number of residential homes on the Subject Area,

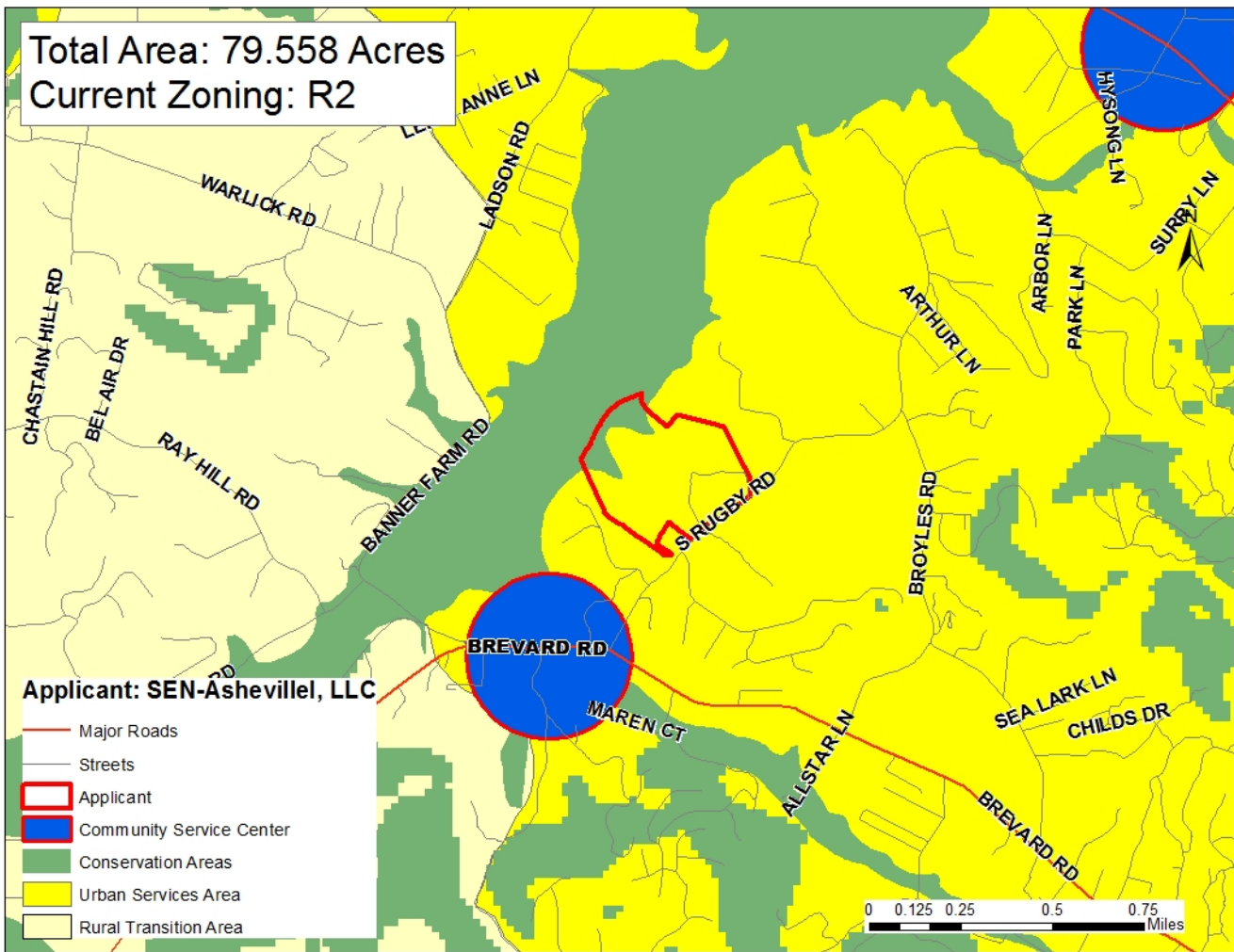
including: garages and barns, room accommodations on the upper level of the main barn, and an on-site dining facility used by the previous owner for guests.

3.2. **Adjacent Area Uses:** The surrounding properties contain mainly agriculture and residential uses with nearby commercial uses.

4. **The Henderson County 2020 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 (2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map D).

Map D: 2020 County Comprehensive Plan Future Land Use Map



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” (2020 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.

5. Water and Sewer

- 5.1. **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.
- 5.2. **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.

6. 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.

7. Proposed Local Commercial Conditional District

- 7.1. **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 Local Commercial 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:

- 24 Residential Units (Project Total)
- Average Density of 0.302 units per acre
- 56 Residential Parking Spaces
- 12 Spa/Wellness Facility Parking Spaces

- 9.1 percent impervious pavement (approximately 7.22 acres)
- 36.414 acres of Open Space
- 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

8. Staff Comments

8.1. **The 2020 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 2020 CCP suggest that the Subject Area would be suitable for residential development.

8.2. **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.

8.3. **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. A Local Commercial (LC) zoning district requires a *Standard Density* regulation of 4 units per acres. The projects proposed density would suffice LC density requirements per the Henderson County Land Development Code Standards.

However, the proposed amenities on the subject area are uses that are not currently permitted within the R2 zoning district. The Local Commercial conditional zoning district allows the proposed development more flexibility in design and the approval of project specific services in accordance with a site-specific plan with the option for additional conditions.

8.4. **Master Plan:** The rezoning request requires a site-specific plan which includes a master plan requirement for the proposed development phases. (See Attached Master Plan)

8.5. **Previous Master Plan Approval:** On January 18th, 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 is valid through January 25th, 2020.

The applicant has been made aware that approval of the subject conditional rezoning would void the 2017-M01 master plan approval from January 18th, 2018. Should the subject conditional rezoning request be denied, the existing 2017-M01 master plan approval would remain valid through the above-mentioned time restriction. (See Attached Notice to Vacate Approval)

9. Technical Review Committee (TRC) Recommendations

9.1. The TRC will hear the subject application at their January 15th, 2019 meeting.

10. Planning Board Recommendations

10.1. The Planning Board will hear the subject application at their January 17th, 2019 meeting.



Planning Department
100 North King Street
Hendersonville, NC 28792

I John Turuhw, have requested a conditional rezoning for the project development know as, The Sanctuary at Horseshoe Farms located off S. Rugby Road. I understand that if this zoning request is approved by the Henderson County Board of Commissioners, the previous subdivision approvals on this property will no longer be valid and the new project approval will be applied to the subject area. I understand that I may withdrawal my request prior to Board decision. If the rezoning request is denied, the existing subdivision approvals remain valid under the current time limitations.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, ALFRED A CHETRAM, a Notary Public, in and for the above County and State, do hereby certify that JOHN A TURUHW, personally, appeared before me this day.

WITNESS my hand and notarial seal, this the 28TH day of DECEMBER, 2018.

My commission expires:
4/25/2021



[Signature]
NOTARY PUBLIC