

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: April 20, 2005

Subject: Application #SP-93-13-A5 to Amend Special Use Permit SP-93-13 (as amended) for the Carriage Park Planned Unit Development

Attachments: Application for a Special Use Permit (with attachments)

Summary of Request:

Dale Hamlin, Manager of Carriage Park Associates, LLC, submitted an application on April 8, 2005, to request a change in the definition of "Townhouse (Townhome)" as shown in Section 1h of Exhibit A of Special Use Permit 93-13 (as amended). Special Use Permit SP-93-13 was originally granted by the Board of Commissioners on October 11, 1993.

On March 15, 2005, the Applicant held a pre-application conference on the proposed amendment with the Planning Board as required by Section 200-33, Planned Unit Development (PUD), of the Henderson County Zoning Ordinance, prior to submittal of an application for a Special Use Permit for a PUD.

Staff is requesting that the Board of Commissioners refer Special Use Permit amendment application # SP-93-13-A5 to the Planning Board for review and recommendations as required by the Zoning Ordinance. Once the Planning Board takes action on its recommendations, Staff will request that the Board of Commissioners schedule a quasi-judicial public hearing on the application.

County Manager's Recommendation/Board Action Requested:

I recommend that the Board of Commissioners refer Special Use Permit application # SP-93-13-A5 to the Planning Board for review and recommendations.

Application No. SP-93-13-A5

COUNTY OF HENDERSON
STATE OF NORTH CAROLINA
APPLICATION FOR A SPECIAL USE PERMIT

APRIL 8 2005
Month Day Year

Applicant: CARRIAGE PARK ASSOCIATES, LLC Phone: 697-7200
Address: 2827 HAYWOOD RD. HENDERSONVILLE, N.C. 28791
Property Owner's Name (if different from above): _____
Property Address (if different from above): _____
Parcel ID Number: * Zoning District: _____

** SEE ATTACHED Henderson County Planning Dept Memorandum dated 3/10/05*

TO THE BOARD OF COMMISSIONERS:

I, DALE HAMLIN (owner/agent), hereby petition the Board of Commissioners to issue a SPECIAL USE PERMIT for use of the property described in the attached form, or if not adequately explained there, as more fully described herein:

Request definition change to SP 93-13 (as amended)

Authority to grant the requested permit is contained in the Zoning Ordinance, Sections _____

The Zoning Ordinance imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfied these requirements:

General Requirement #1: The use will not adversely affect the health and safety of persons residing or working in the neighborhood: USE CHANGE WILL NOT ADVERSELY AFFECT HEALTH AND SAFETY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD

General Requirement #2: The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood: USE CHANGE WILL NOT BE DETRIMENTAL OR INJURIOUS TO PROPERTY OR PUBLIC IMPROVEMENTS IN THE NEIGHBORHOOD.

(continue remarks on reverse side or separate page)

The Zoning Ordinance also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable:

- Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to pedestrian safety and convenience, automotive, traffic flow and control;
- Provision of off-street parking and loading areas where required, with particular attention to the items above and the economic, noise, glare, and odor effects of the conditional use on adjoining

Application for a Special Use Permit
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- properties in the area;
- Utilities with reference to locations, availability, and compatibility;
- Buffering with reference to type, location, and dimensions;
- Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways with reference to location, size, and suitability;
- Building and structures with reference to location, size, and use.

In addition, the applicant shall provide the names and addresses of all adjoining property owners.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information, and belief.

[Handwritten Signature]
Signature of Applicant

4/08/2005
Date

IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED ON THIS FORM AND THE ZONING ORDINANCE OF HENDERSON COUNTY, THE ORDINANCE SHALL PREVAIL.

Matt Card
Received By

4/8/05
Date

Matt Card \$300.00
Fee Paid

4/8/05
Date Received

Memorandum

TO: Henderson County Planning Board
FROM: Matt Card, Planner
DATE: March 10, 2005
SUBJECT: Carriage Park Associates, LLC Amendment to the Special Use Permit 93-13

The Planning Board, at its February 15, 2005 meeting, had considerable discussion regarding the definition of a townhouse for Sections 21 and 22 of Carriage Park under the Special Use Permit SP-93-13 (as amended), granted October 11, 1993. As a result from the discussion, Dale Hamlin manager of Carriage Park Associates, LLC submitted a letter on March 7, 2005 to the Henderson County Planning Department which requests a change in the definition for a townhouse under Special Use Permit SP-93-13 (as amended). The current definition, found in Section 1, h of Special Use Permit 93-13 (as amended) reads:

- A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

Mr. Hamlin and Carriage Park Associates, LLC would like the definition to be:

- A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.

At the March 15, 2005 Planning Board meeting, the Applicant is requesting a pre-application conference with the Planning Board and Planning Staff in order to familiarize the Planning Board with the amendment to the Special Use Permit 93-13. According to the Henderson County Zoning Ordinance the conference also will allow the Board and Staff to provide informal and nonbinding feedback regarding the acceptability of the amendment. Upon completion of the pre-application conference with the Planning Board, the Applicant shall submit to the Board of Commissioners a written application for a special use permit in accordance with Section 200-70 of the Zoning Ordinance.

Carriage Park

March 7, 2005

Henderson County Planning Board
Ms. Karen Smith, Planning Director
101 East Allen Street
Hendersonville, NC 28792

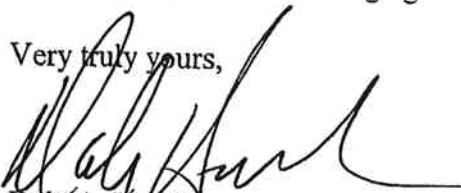
Dear Karen,

Carriage Park Associates, LLC. the successor of Carriage Park Development Corporation would like to change the description of townhouse (townhome) in section 1 paragraph h. of the Conditions Governing Special Use Permit No. 93-13 for Carriage Park Development Corporation granted 10/11/93.

The current definition reads as follows: A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.

The version Carriage Park Associates, LLC. would like reads as follows: A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.

We would appreciate having this item on the next planning board meeting agenda.

Very truly yours,

Dale A. Hamlin

