

REQUEST FOR BOARD ACTION

HENDERSONCOUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, April 1, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2018-08C, Haywood Park Estates, Residential Two (R2) to Residential One Conditional District (R1-CD)

PRESENTER: Eric Warren, Planner

ATTACHMENTS:

1. Subject Area Map
2. Staff Report
3. Site Plan
4. Letter from Henderson County Public Schools
5. Buffering Condition Agreement
6. Certification of Public Hearing Notification
7. Resolution of Consistency
8. Power Point

SUMMARY OF REQUEST:

Rezoning Application #R-2018-08C was initiated on December 03, 2018 and requests that the County conditionally rezone approximately 18.35 acres of land from Residential Two (R2) to Residential One Conditional District (R1-CD). The acreage consists of 8 parcels (PIN: 9650-06-9662, 9650-17-5207, 9650-16-5805, 9650-16-4528, 9650-16-1443, 9650-16-3229, 9650-16-4056). The property owner is Spano & Associates Haywood, LLC. Scott Burwell is serving as agent.

At the regularly scheduled meeting on February 21, 2019 the Planning Board voted 8-0 to forward this rezoning request with a favorable recommendation. The Planning Board recommends a condition of approval reflected in the attached staff report.

BOARD ACTION REQUESTED:

If approved, State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2018-08-C to rezone the Subject Area to a Residential One Conditional District (R1-CD) based on the recommendations of the Henderson County 2020 Comprehensive Plan, and with any conditions as discussed, and;

I move that the Board approved the attached resolution regarding the consistency with the CCP.

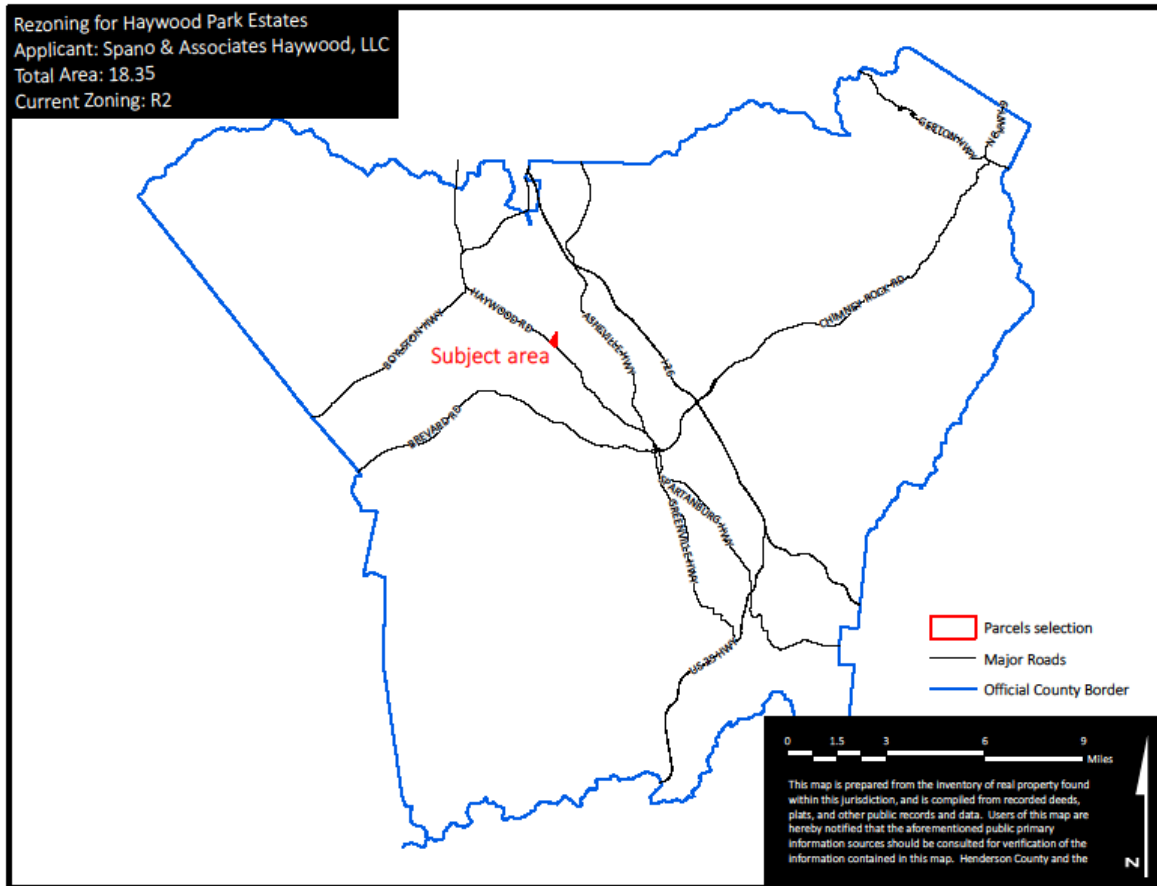
Henderson County Planning Department Staff Report
Rezoning Application #R-2018-08-C (R2 to R1-CD)

Owner(s)
Spano & Associates Haywood, LLC (Scott Burwell, Agent)

1. Rezoning Request

- 1.1. **Applicant:** Spano & Associates Haywood, LLC
- 1.2. **Property Owner:** Spano & Associates Haywood, LLC
- 1.3. **PINs:** 9650-06-9662, 9650-17-5207, 9650-16-5805, 9650-16-4528, 9650-16-1443, 9650-16-3229, 9650-16-4056
- 1.4. **Request:** Rezone subject area from a Residential Two (R2) zoning district to a Residential One Conditional (R1-CD) zoning district.
- 1.5. **Size:** Approximately 18.35 acres of land
- 1.6. **Location:** The subject area is located on Haywood Rd (NC 191) approximately a third of a mile south east of the intersection of N Rugby Rd (S.R. 1365) and South Rugby Rd (S.R. 1309). The property is adjacent to the west of West Henderson High School.

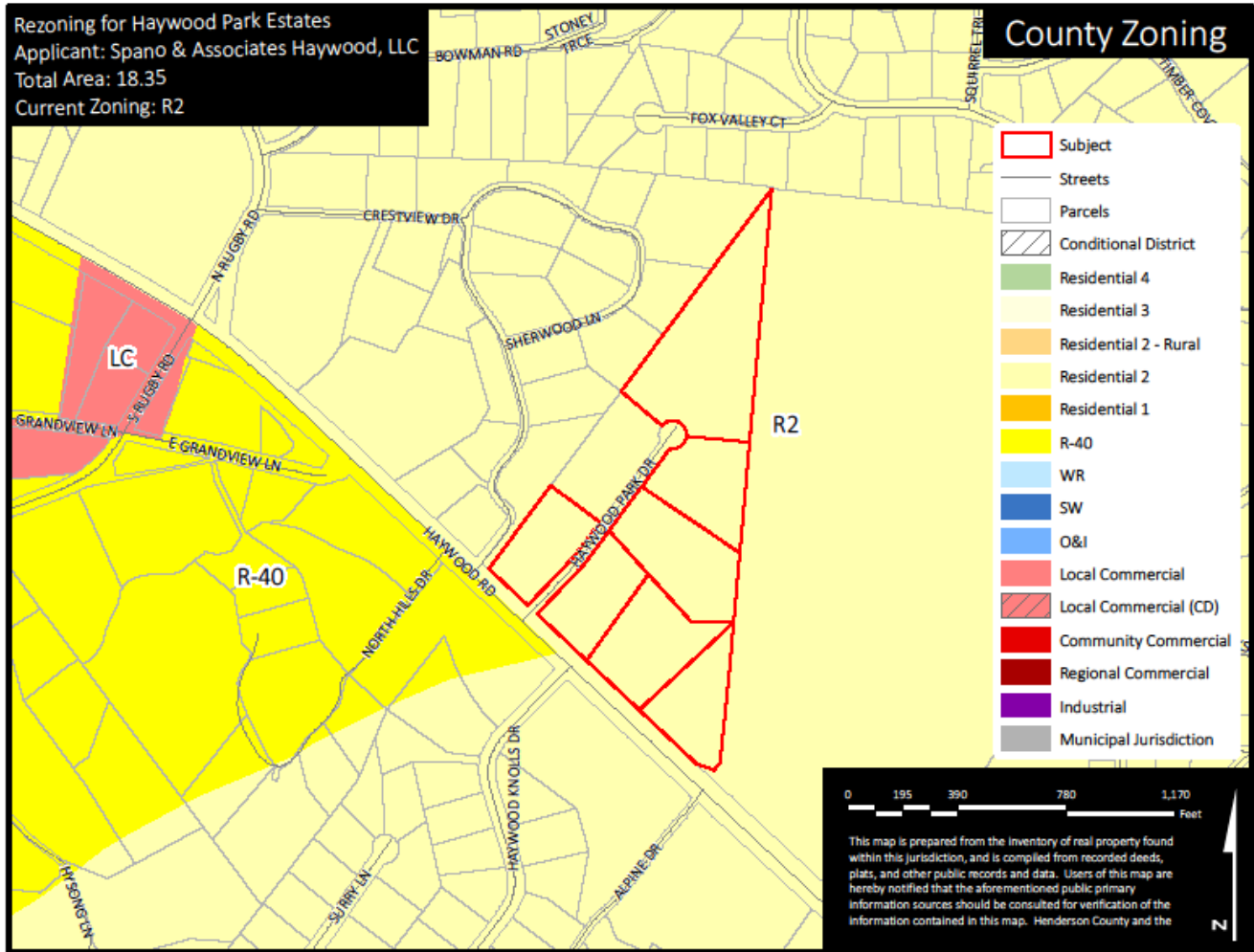
Map A: County Context



Map B: Aerial Image



Map C: Current Zoning



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 Estate Residential (R-40) zoning across Haywood Rd. (NC 191) to the south.

2.3. **District Comparison:**

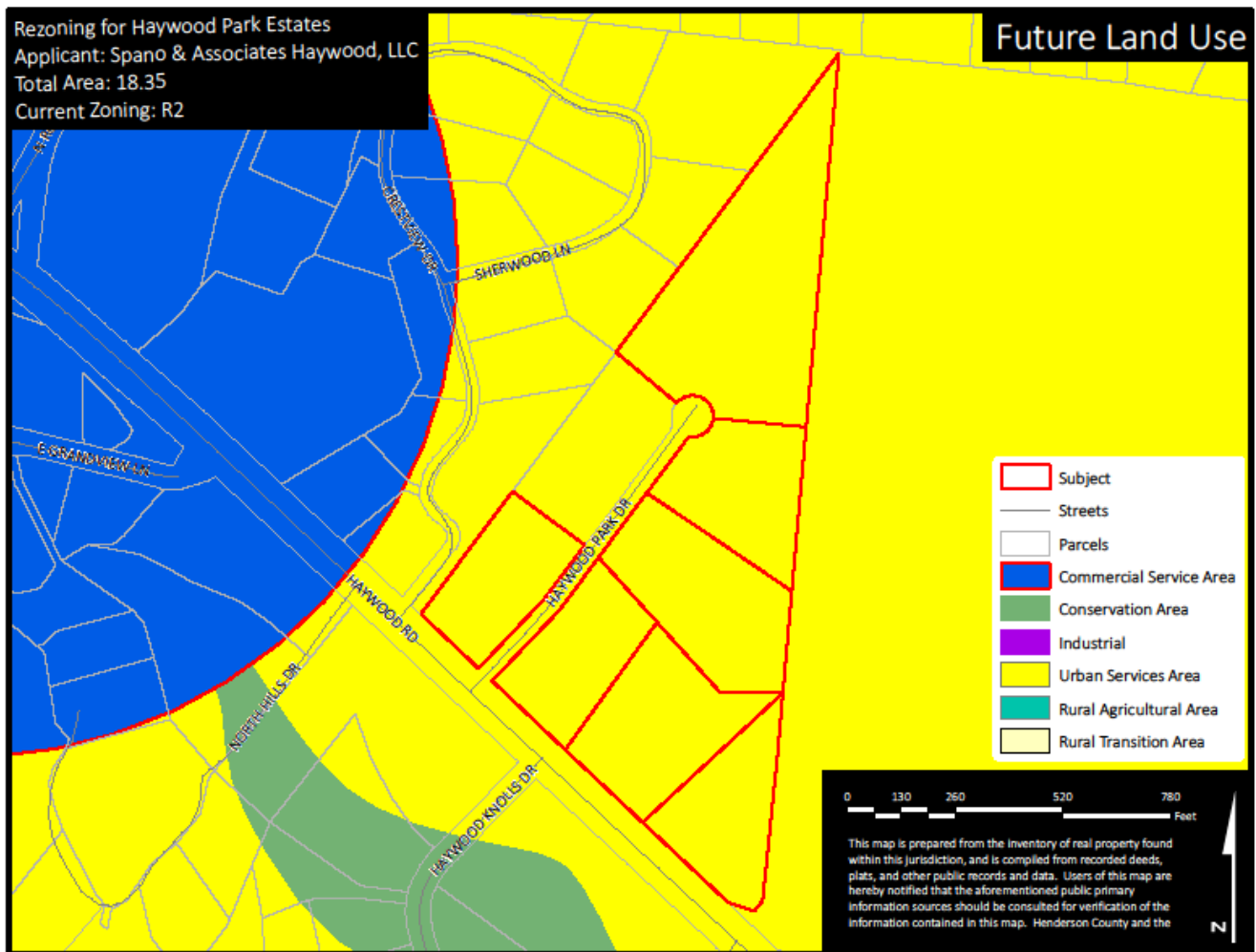
2.3.1. **Residential Two (R2):** “The purpose of Residential District Two (R2) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density *residential development* consistent with the recommendations of the *Comprehensive 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).

2.3.2. **Residential One Conditional District (R1-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.”

2.3.3. Residential density calculations will follow the Residential One (R1) zoning district.

2.4. **Water Supply Watershed:** The subject property is located within the WS-IV-PA and allows a maximum built upon limit of 24% under the Low-Density option.

Map D: 2020 County Comprehensive Plan Future Land Use Map



3. Current Uses of Subject Area and Adjacent Properties

3.1. **Subject Area Uses:** The subject area is comprised of 7 vacant lots created by an approved 8 lot, residential subdivision plan for Haywood Park Estates from 2007.

3.2. **Adjacent Area Uses:** The surrounding properties contain mainly residential uses with a high school adjacent to the east.

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). A Community Service Center node is located 192 feet to the north west of the subject area (2020 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” (2020 CCP, Pg. 129).

5. Water and Sewer

5.1. **Public Water:** The project will utilize public water. City of Hendersonville water currently serves the project site along Haywood Park Dr.

5.2. **Public Sewer:** The applicant proposes connection to the Cane Creek Sewer District sewer system. Gravity sewer lines are in place on the southern and eastern boundary of the project site. Applicant is proposing connection for existing house to sewer system if application is approved.

6. Proposed Residential One Conditional District

6.1. **Proposed Use:** The subject area is comprised of 7 vacant lots created by an approved 8 lot, residential subdivision plan for Haywood Park Estates from 2007. The applicant is proposing to use the site for a residential development. Based on the number of proposed lots within the subject area the applicant is requesting a higher density conditional zoning district to maximize the density of the development. The Conditional District will also allow the Board of Commissioners to place conditions or restrictions on the property as needed. The applicant proposes the following development:

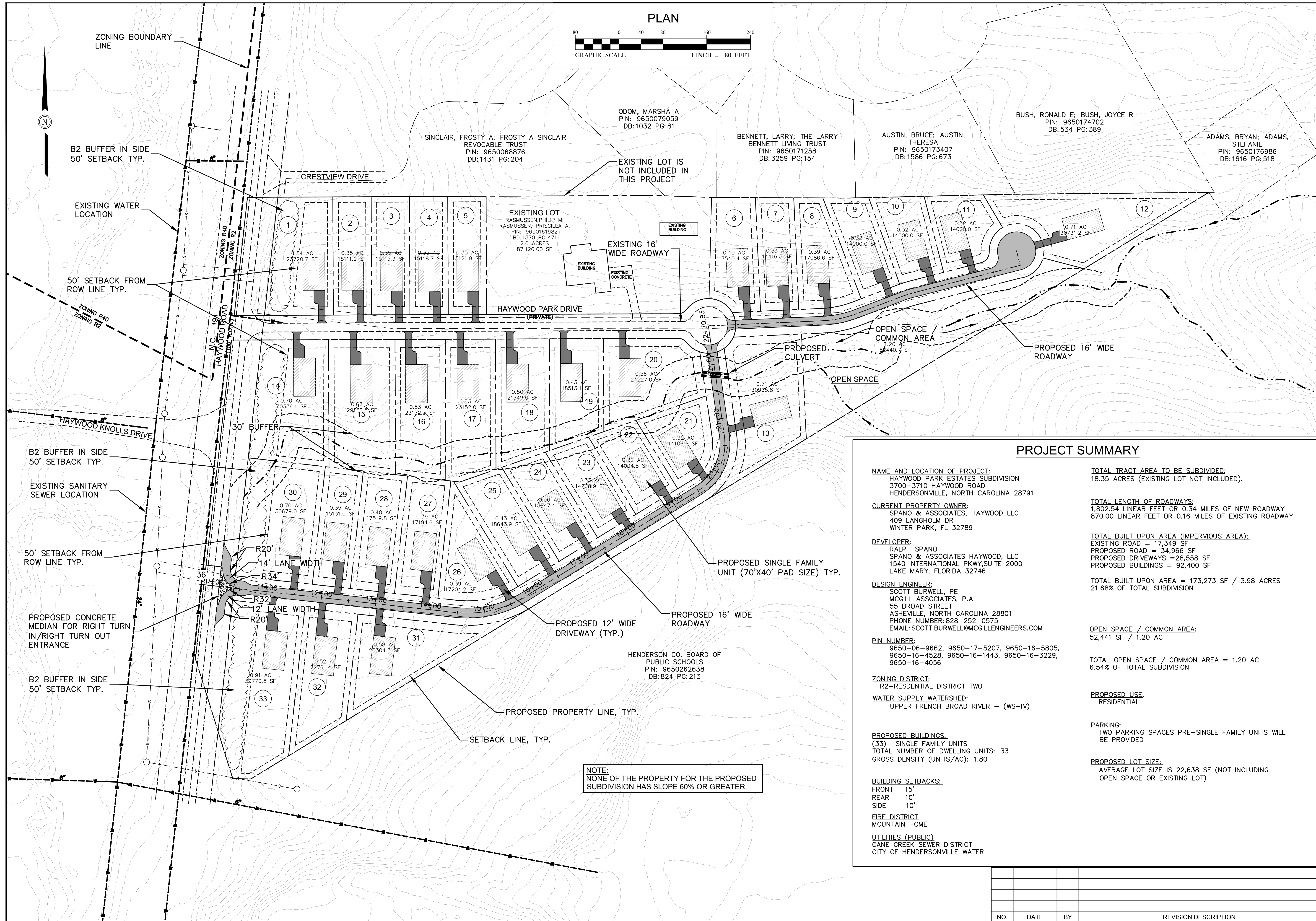
- 33 lots for single family dwelling units
- 1.20 acres of open space (6.54%)
- Average lot size of 0.52 acres (22,638 sq. ft.)
- Average Density of 1.80 units per acre
- 2 parking spaces per single family dwelling unit
- 1,802.54 linear feet (0.34 miles) of new roadway

7. Staff Comments

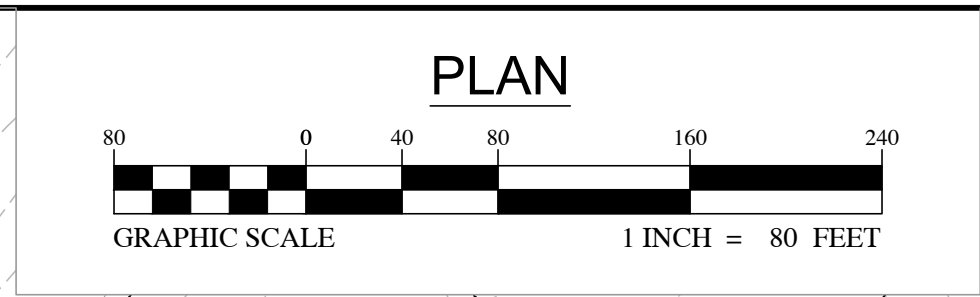
7.1. The current owner of Lot 2 (PIN 9650-16-1982) from the existing subdivision has been notified of the rezoning application by the Henderson County Planning Department.

7.2. **The 2020 CCP:** The CCP Future Land Use Map (See Map D) places the Subject Area in the Urban Services. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for residential development.

- 7.3. **Adjacent Zoning:** The subject area is adjacent to Residential Two (R2). Adjacent to Estate Residential (R-40) to the south across Haywood Rd (NC 191).
 - 7.4. **Comparison of Districts:** The existing Residential Two (R2) zoning district allows for primarily residential type developments. The proposed density on the subject area is not currently permitted within the R2 zoning district. The Residential One Conditional District (R1-CD) allows a proposed development of higher density, under an approved site-specific plan with the option for additional conditions. Proposed residential density calculations follow the Residential One (R1) zoning district. (Refer to Attachment: Zoning District Comparison)
 - 7.5. **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 Report)
 - 7.6. **Conditional Zoning Districts:** In approving a petition for the reclassification of property to a Conditional Zoning District, the Planning Board may recommend, and the Board of Commissioners may request that reasonable and appropriate conditions be attached to the approval of the petition. Conditions and site-specific standards shall be limited to those that address the conformance of the development and *use* of the site to County ordinances and any officially adopted *Comprehensive Plan* or other land *use* plan, that address the impacts reasonably expected to be generated by the development or *use* of the site. (LDC §42-48)
8. **Recommended Conditions**
- 8.1. **Buffering Condition:** Buffering or screening shall be installed around the existing structure on Lot 2 of the previously approved development. Buffering or screening materials shall be mutually agreed upon by applicant and existing home owner.
 - 8.2. **Development Plan Approvals:** Staff recommends that the Board grant approval authority of all subsequent development plans to either the Planning Board or Planning Staff.
9. **Technical Review Committee (TRC) Recommendation**
- 9.1. The TRC reviewed the application at its meeting on January 15, 2019 and forwarded the application to the Planning Board for further review.
10. **Planning Board**
- 10.1. At the regularly scheduled meeting on January 17, 2019 the Planning Board moved to table the request to receive a statement from the Henderson County Public School System concerning the development adjacent to West Henderson High School.
 - 10.2. At the regularly scheduled meeting on February 21, 2019 the Planning Board voted unanimously to send forth a favorable recommendation. The Planning Board recommends the following condition for approval:
 - 10.2.1. Buffering or screening shall be installed around the existing structure on Lot 2 of the previously approved development. Buffering or screening materials shall be mutually agreed upon by applicant and existing home owner (see attached buffering condition agreement).



I:\Drawings\2018\18.001\33\Design\Civil\Drawings\18.00143 - C-101 Master Plan.dwg 1/16/2018 4:57 PM ADAM WALDRUP



PROJECT SUMMARY

<p>NAME AND LOCATION OF PROJECT: HAYWOOD PARK ESTATES SUBDIVISION 3700-3710 HAYWOOD ROAD HENDERSONVILLE, NORTH CAROLINA 28791</p> <p>CURRENT PROPERTY OWNER: SPANO & ASSOCIATES, HAYWOOD LLC 409 LANGHOLM DR WINTER PARK, FL 32789</p> <p>DEVELOPER: RALPH SPANO SPANO & ASSOCIATES HAYWOOD, LLC 1540 INTERNATIONAL PKWY, SUITE 2000 LAKE MARY, FLORIDA 32746</p> <p>DESIGN ENGINEER: SCOTT BURWELL, PE MCGILL ASSOCIATES, P.A. 55 BROAD STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE NUMBER: 828-252-0575 EMAIL: SCOTT.BURWELL@MCGILLENGINEERS.COM</p> <p>PIN NUMBER: 9650-06-9662, 9650-17-5207, 9650-16-5805, 9650-16-4528, 9650-16-1443, 9650-16-3229, 9650-16-4056</p> <p>ZONING DISTRICT: R2-RESIDENTIAL DISTRICT TWO</p> <p>WATER SUPPLY WATERSHED: UPPER FRENCH BROAD RIVER - (WS-IV)</p> <p>PROPOSED BUILDINGS: (33)- SINGLE FAMILY UNITS TOTAL NUMBER OF DWELLING UNITS: 33 GROSS DENSITY (UNITS/AC): 1.80</p> <p>BUILDING SETBACKS: FRONT 15' REAR 10' SIDE 10'</p> <p>FIRE DISTRICT: MOUNTAIN HOME</p> <p>UTILITIES (PUBLIC): CANE CREEK SEWER DISTRICT CITY OF HENDERSONVILLE WATER</p>	<p>TOTAL TRACT AREA TO BE SUBDIVIDED: 18.35 ACRES (EXISTING LOT NOT INCLUDED).</p> <p>TOTAL LENGTH OF ROADWAYS: 1,802.54 LINEAR FEET OR 0.34 MILES OF NEW ROADWAY 870.00 LINEAR FEET OR 0.16 MILES OF EXISTING ROADWAY</p> <p>TOTAL BUILT UPON AREA (IMPERVIOUS AREA): EXISTING ROAD = 17,349 SF PROPOSED ROAD = 34,966 SF PROPOSED DRIVEWAYS = 28,558 SF PROPOSED BUILDINGS = 92,400 SF</p> <p>TOTAL BUILT UPON AREA = 173,273 SF / 3.98 ACRES 21.68% OF TOTAL SUBDIVISION</p> <p>OPEN SPACE / COMMON AREA: 52,441 SF / 1.20 AC</p> <p>TOTAL OPEN SPACE / COMMON AREA = 1.20 AC 6.54% OF TOTAL SUBDIVISION</p> <p>PROPOSED USE: RESIDENTIAL</p> <p>PARKING: TWO PARKING SPACES PER SINGLE FAMILY UNITS WILL BE PROVIDED</p> <p>PROPOSED LOT SIZE: AVERAGE LOT SIZE IS 22,638 SF (NOT INCLUDING OPEN SPACE OR EXISTING LOT)</p>
---	--



FOR REVIEW ONLY

SUBDIVISION RE-DEVELOPMENT

HAYWOOD PARK ESTATES
HENDERSON COUNTY, NORTH CAROLINA

MASTER PLAN

SHEET
C-101

NO.	DATE	BY	REVISION DESCRIPTION

McGill
A S S O C I A T E S
 ENGINEERING · PLANNING · FINANCE
 55 BROAD STREET ASHEVILLE, NC 28801 PH: (828) 252-0575 FIRM LICENSE # C-0459

FOR REVIEW ONLY

SUBDIVISION RE-DEVELOPMENT
HAYWOOD PARK ESTATES
 HENDERSON COUNTY, NORTH CAROLINA

JOB NO.: 18.00143
 DATE: DEC. 2018
 DESIGNED BY: GWW
 CADD BY: GWW
 DESIGN REVIEW:
 CONST. REVIEW:
 FILE NAME: 18.00143 - C-101 Master Plan.dwg

MASTER PLAN
SHEET
C-101



HENDERSON COUNTY PUBLIC SCHOOLS

414 Fourth Avenue West, Hendersonville, NC 28739-4261
Bo Caldwell, Superintendent

Board of Public Education
Amy Lynn Holt, *Chairperson*
Mary Louise Corn, *Vice Chairperson*
Michael Absher
Dot Case
Blair Craven
Jay Egolf
Rick R. Wood

January 28, 2019

Henderson County Planning Department
100 N King St
Hendersonville, NC 28792

RE: Haywood Park Estates Development

To Whom It May Concern:

I am writing to you today on behalf of the members of the Henderson County Board of Public Education regarding the proposed Haywood Park Estates Development.

It is my understanding that action on this proposed development was tabled at a January 17 meeting of the Planning Board, in order that the details of this proposal might be considered by the Board of Public Education. We sincerely appreciate such consideration and opportunity.

Ultimately, the Henderson County Board of Public Education is charged with serving the students who live in our community. Should development increase the number of school age children in any area of Henderson County, our Board of Education and staff will make the necessary recommendations and provisions to provide for their education.

We are proud to have a shared responsibility with other community resources to serve future generations of children in Henderson County, and I am confident that our schools will continue to provide the very best possible education experiences for every child in our community.

Sincerely,

HENDERSON COUNTY BOARD OF PUBLIC EDUCATION
Amy Lynn Holt, Chairperson

cc: Members, Henderson County Board of Public Education
Mr. Bo Caldwell, Superintendent

To: Phil Rasmussen
From: Spano and Associates-Haywood Park, LLC
RE: Fence Installation
Date: February 25, 2019

Developer will install two (2) 6' fences approximately 3-4 inches inside of Mr. Rasmussen's survey stake property line. Fences shall be installed as shown by the red lines on the photo below (Left fence approx. 170' right fence approx. 78').

The fence will be installed within 60 days from the date the developer secures development approval for Haywood Park Estates from the Henderson County.

Materials Only treated lumber or cypress is to be used

Vertical supports: 4"x4" x 10 foot.

Horizontal supports 2x4 x 8 foot

Dog-eared style pickets, 6 feet in height, approximately 6" wide

Screws (two lengths) designed for exterior use

Lengths: supports – 5" to 5-1/2" 1/4" to 5/16" washer head


pickets – 2" to 2-3/4" 1/4" to 5/16" washer head


Type: SPAX Exterior HCR Lag Screws or Stainless steel or
GRK Exterior RRS (Climatek) (coated)

Process: The vertical supports are to be anchored in the ground, no less than 30"
The horizontal supports are to be secured to vertical supports using 5" to 5-1/2" screws
Pickets are to be butted and secured using 2" to 2-1/2" screws.
End posts for each fence will be wrapped using picket material.

Developer shall perform all work and work-site cleanup at Developer's expense.




Phil Rasmussen


Ralph Spano


3-6-19

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the April 1st, 2019 hearing regarding Rezoning Application #R-2018-08C were:

1. Submitted to the Hendersonville Lightning on March 11, 2019 to be published on March 20, 2019 and March 27, 2019 by Eric Warren;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on March 15, 2019 by Eric Warren;
3. Sent, via first class mail, to the property owner on March 15, 2019 by Eric Warren; and
4. Signs were posted on the Subject Area(s) on March 19, 2019 by Eric Warren.

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

1.  Eric Warren

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

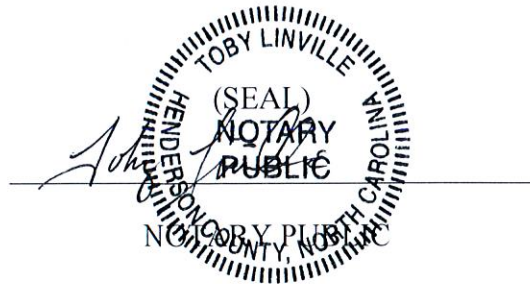
Eric Warren,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 19 day of March, 2019.

My commission expires:

5/25/21





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2018-08C; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on April 01, 2019; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2018-08C Haywood Park Estates) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 1st day of April, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

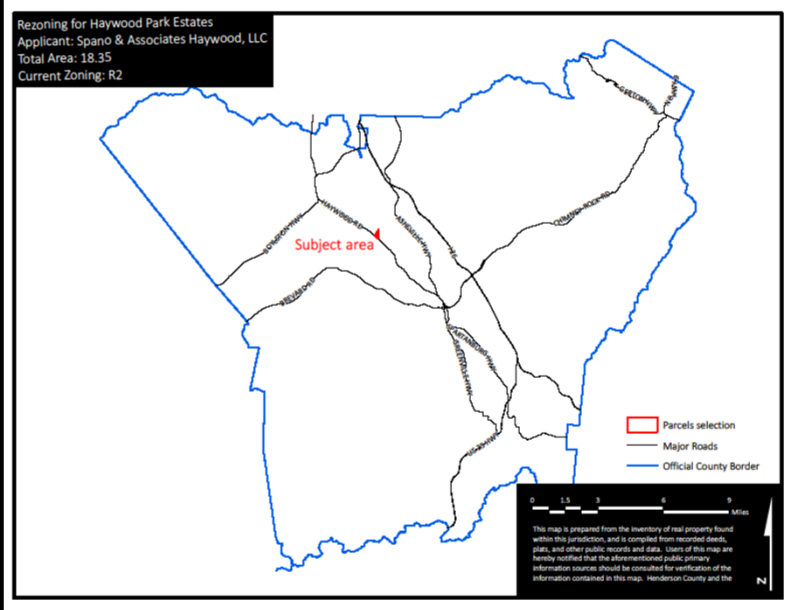
Rezoning #R-2018-08C Haywood Park Estates



Henderson County Board of Commissioners
April 1, 2019

Henderson County Planning Department

County Context Map



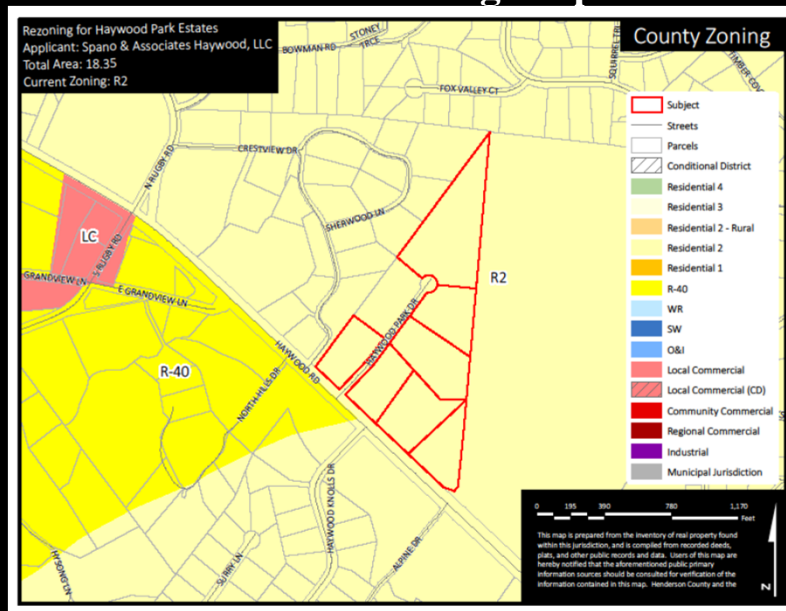
Henderson County Planning Department

Aerial Map



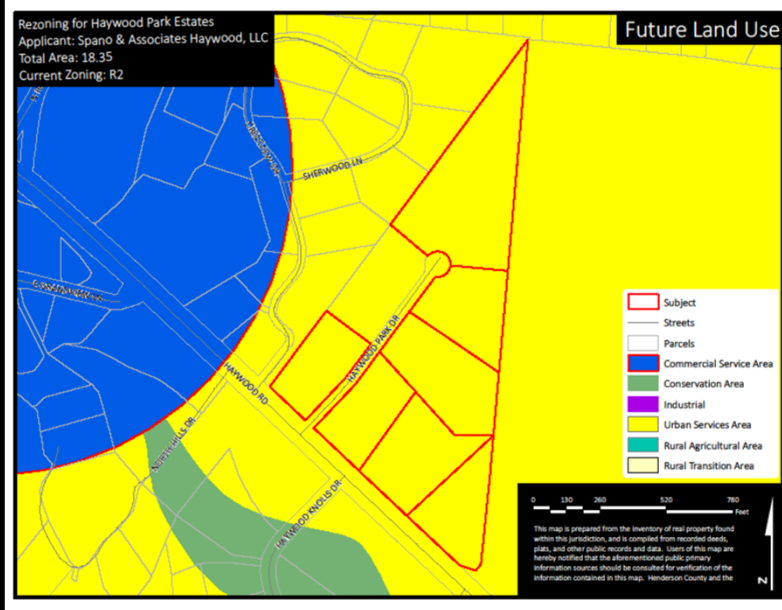
Henderson County Planning Department

Current Zoning Map



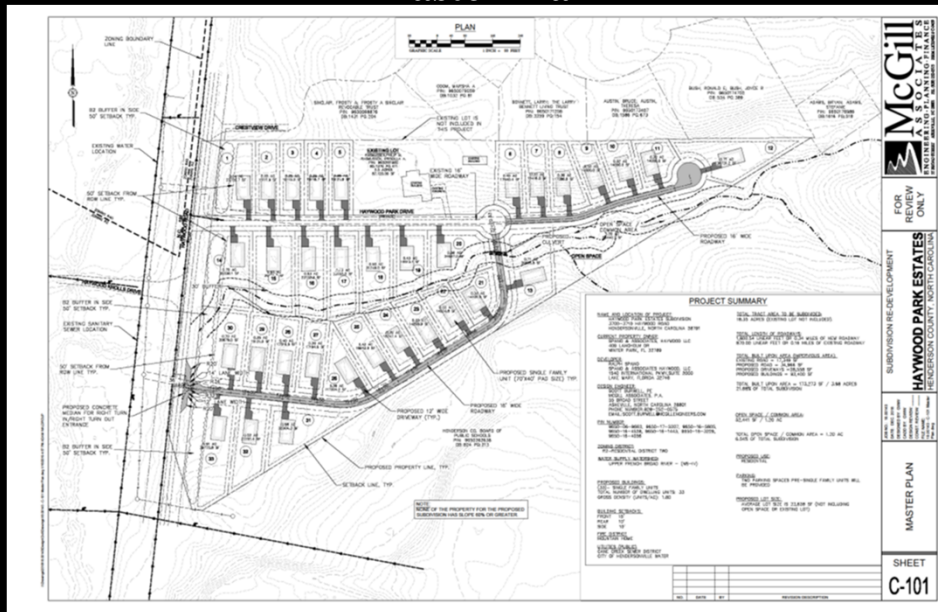
Henderson County Planning Department

2020 CCP Future Land Use Map



Henderson County Planning Department

Master Plan



Henderson County Planning Department

EW1

Recommended Conditions:

- Buffering or screening shall be installed around the existing structure on Lot 2 of the previously approved development. Buffering or screening materials shall be mutually agreed upon by applicant and existing home owner (see attached buffering condition agreement).
- Staff recommends that the Board grant approval authority of all subsequent development plans to either the Planning Board or Planning Staff.

Henderson County Planning Department

Rezoning #R-2018-08C

Questions

