

## REZONING: CONDITIONAL REZONING - LEO AT HENDERSONVILLE (25-48-CZD)

### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

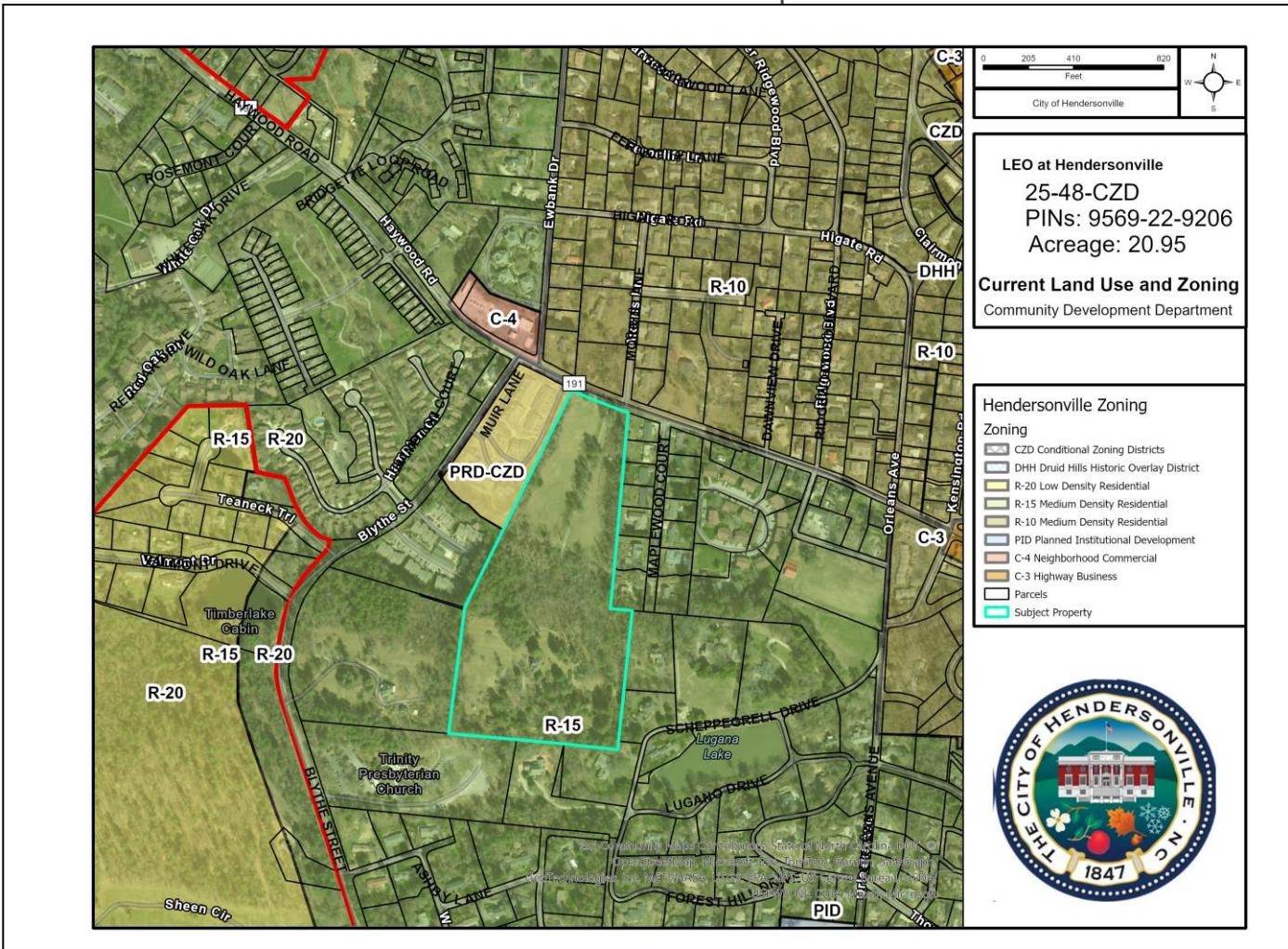
- Project Name & Case #:
  - LEO at Hendersonville
  - 25-48-CZD
- Applicant & Property Owner:
  - Advenir Azora Development (Scott Weathers) [Applicant]
  - Jeffrey Justus [Owner]
- Property Address:
  - 1741 Haywood Road
- Project Acreage:
  - 21.25
- Parcel Identification (PIN):
  - 9569-22-9206
- Current Parcel Zoning:
  - R-15 Medium Density Residential
- Future Land Use Designation:
  - Family Neighborhood Living
- Requested Zoning:
  - PRD-CZD Planned Residential Development – Conditional Zoning District
- Requested Future Land Use Designation:
  - Multi-Generational Living
- Requested Uses:
  - Residential dwellings, two, three, and four-family
- Neighborhood Compatibility Meeting(s):
  - June 30<sup>th</sup>, 2025 – City Hall
  - August 19<sup>th</sup>, 2025 – Blue Ridge Community College
- Planning Board Meeting
  - December 11<sup>th</sup>, 2025
  - 6-0 motion to recommend denial



**SITE VICINITY MAP**

*The City of Hendersonville has received an application for a Conditional Rezoning from Scott Weathers of Advenir Azora Development (Applicant) and Jeffrey Justus (Owner). The request is to rezone the property located at 1741 Haywood Road (PIN 9569-22-9206) from R-15 Medium Density Residential to PRD-CZD (Planned Residential Development – Conditional Zoning District) to allow for the construction of a 180-unit residential project. The proposed development includes a mix of duplexes, triplexes, and quadplexes.*

*At its December 11 meeting, the Planning Board recommended denial of the proposed plan. The Board's primary concerns centered on the extent of grading required and the resulting impacts on the site. Additional concerns were raised regarding the absence of a secondary access point, though such access is not required by ordinance, as well as the project's overall compatibility and impact on the surrounding community.*



The subject property consists of 21.25 acres located off Haywood Road (NC-191). It is primarily open space, with a historic home and several outbuildings—dating back to the early 1900s—situated on the southern portion of the parcel. The property is surrounded on three sides by R-15 zoning.

Immediately to the east is a small neighborhood of ranch and split-level homes along Maplewood Court. The southeastern portion is bordered by large-lot single-family homes. To the southwest lies the property of Trinity Presbyterian Church. The western edge of the site includes another early 1900s single-family home and two townhome developments, one of which sits at the northwestern corner of the property and is zoned PRD-CZD.

To the north, the zoning shifts to R-10, which includes a mix of single-family homes and several townhome developments. As you travel further west along Haywood Road, residential density increases with newer development patterns.

Many of the projects along Haywood Road are zoned R-15 but utilized a predecessor to PRD known as PUD (Planned Unit Development), which allowed the projects to be constructed by-right.

## SITE IMAGES



*View looking west along frontage of property.*



*View looking south onto property from Haywood Road.*

## SITE IMAGES



*Stream/ditch proposed to be piped by the developer. The stream runs along the eastern portion of the property.*



*View from existing bridge looking east to Brittain Creek.*

## SITE IMAGES



*View from existing bridge looking west to Brittain Creek.*



*View south from Brittain Creek.*

## SITE IMAGES



*Existing road bed to be utilized for the new road running along the southeastern portion of the property.*



*View of adjacent property to the SE. A home sits beyond the tree line.*

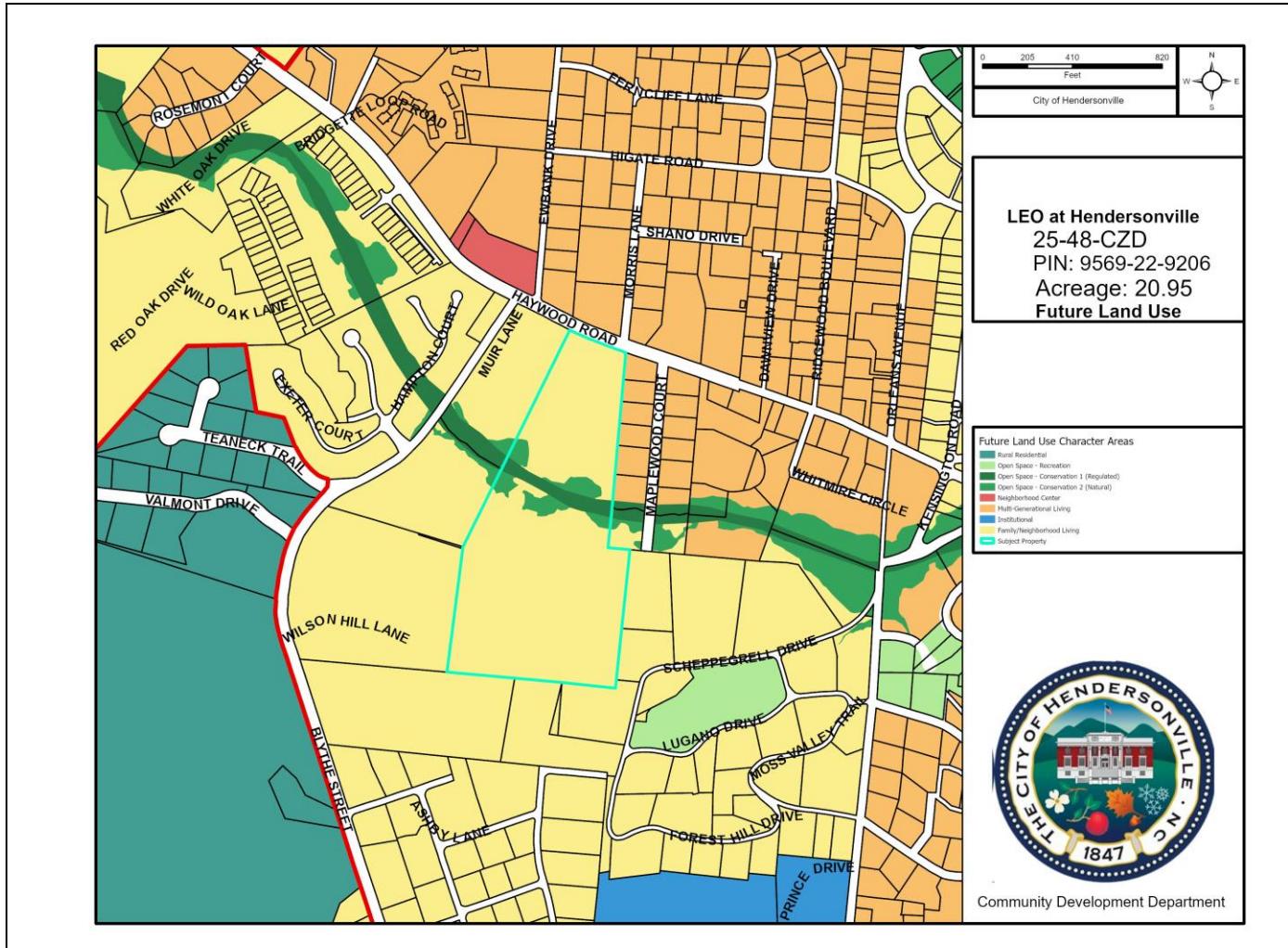


*Historic home dating to 1906 on the southern portion of the property.*



*Field on southern portion of property. One of the proposed stub-outs is proposed to go to the property line at the edge of the tree line in this photo.*

## FUTURE LAND USE



## City of Hendersonville Future Land Use M

The subject property is designated as Family/Neighborhood Living (FNL) on the Future Land Use Map. The developer is requesting a change to Multi-Generational Living (MGL). While the property is primarily surrounded by areas designated as FNL, there is a small area of MGL at its northeastern corner moving towards downtown. Properties on the northern side of Haywood Road are also designated MGL.

A stream runs through the property, and the Future Land Use map identifies this area as open space.

## PROPOSED REQUEST DETAILS

### Site Plan Summary:

- Proposed Uses:
  - 180 Residential dwellings, two, three, and four-family
- Building:
  - 180 Units Total
    - Duplex (1 BR and 2BR) – 728 sf – 30
    - Stacked Duplex (1 BR) – 624 sf – 8 (4 below, 4 above)
    - Duplex (1 BR and 2 BR) – 1,064 sf – 30
    - Duplex (2 BR and 2 BR) – 1,064 sf – 4
    - Townhomes (2 BR) – 1,152 sf – 44
    - Townhomes (2 BR) – 1,365 sf – 20
    - Townhomes (3 BR) – 1,430 sf – 44
  - Building Coverage: 3.58 acres
  - 8.47 units per acre
  - 5.74 units per acre utilizing City's new  $\frac{1}{2}$  unit calculation for units under 1,200 sf
  - 122 units on the upper (southern) portion of the site.
  - 58 units on the lower (northern) portion of the site.
- Site Coverage:
  - Open space – 13.5 acres
  - Streets and Parking – 3.75 acres
  - Stormwater Detention - .42 acres
  - Wetlands - .4 acres
- Site Access
  - The site will have one access point off of Haywood Road. See TIA Analysis for more information on mitigation required at this access.
  - Two stub-outs are provided on the southern and southwestern part of the property. These will be provided to the property line and will be designated for possible future connections.
  - All roads on the property will be private. However, the main access road must be constructed to public street standards per section 5-14-4.4 of the zoning ordinance.
- Sidewalk
  - There is an existing sidewalk on Haywood Road.
  - The developer will establish internal sidewalks throughout the site. The internal sidewalks will connect to the sidewalk on Haywood Road.
- Parking
  - The developer is required to provide 202 parking spaces. They have proposed 330 spaces, including in-garage spaces.
- Natural Resources
  - The developer has proposed providing a greenway trail easement through the property.

- Subject property has both 100 year and 500 year floodplain running through the middle of the property. No construction is proposed within the floodplain with the exception of the construction of a bridge across the stream.
- A portion of stream on the northeastern edge of the property will be piped.
- Applicant has proposed a condition related to the transitional buffer requirements of the stream buffer ordinance for a portion of the stream on the eastern portion of the property. This is to allow for the placement of units.
- The portion of the site plan on the southern side of the stream includes significant grading. Several retaining walls are proposed along the site, however, several of the retaining walls have been decreased in size since the project was first presented at Planning Board.
- Landscaping and Tree Preservation
  - Requirements:
    - Common and open space plantings
    - Bufferyard – 8' Type A Plantings
    - Vehicular Use Area Plantings
    - Street Trees
  - Tree Canopy Preservation
    - Total required for Tier I and II Tree Save – 105,070 sf
    - Total provided – 162,736 sf
    - Most of the tree canopy will be preserved in the center of the site along the stream corridor, as well as on the eastern edge of the property.

## DEVELOPER-PROPOSED CONDITIONS:

- Minimum 25' building setback throughout the perimeter of the property.
- A minimum of 40% of the existing tree canopy will be preserved.
- The site will maintain a minimum of 55% open space.
- The site will maintain a minimum of 16% common open space.
- All exterior walls will have at least one window or doorway per floor. The garage bays are excluded from this requirement.
- All units will include a private fenced backyard.
- All open space and amenities will be professionally managed and maintained in perpetuity by the property owner.
- Transitional stream buffer shall be reduced to 0' for the area indicate below in the preliminary site plan.
- A maximum road slope of 12% is permitted for access road to the back phase of the project as noted on the preliminary site plan.
- The developer will either provide a secondary emergency access point or will provide fire sprinklers in every building/unit.
- Developer shall construct a greenway trail in coordination with the planning department and subsequently dedicate an easement to the city that is 50' wide for the location of the greenway trail. Utility infrastructure, roadways, and pedestrian pathways will be permitted within the 50' easement.
- The developer shall construct a westbound left turn lane on Haywood road at the site access with at least 50 feet of storage. The final design shall be done in coordination with NCDOT.
- The developer shall construct an eastbound right turn lane on Haywood road at the site access with at least 50 feet of storage. The final design shall be done in coordination with NCDOT.
- Fencing or other appropriate safety measures shall be installed at the top of every retaining wall greater than 30" in height.
- Stormwater features will be constructed to the 25-year storm level.

## OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

### **COMMUNITY DEVELOPMENT**

#### **Site Plan Comments:**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Institutional Developments (5-21) (minus any developer proposed conditions).
  - No additional comments

#### **Proposed City-Initiated Conditions:**

## DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff have provided only the relevant/outstanding comments / conditions below:

### Public Works:

- Trash will need to be handled by City of Hendersonville. Concierge trash pickup proposed by developer is not allowed per-City ordinance. (To be resolved at Final Site Plan)
- Determination on whether the water/sewer lines need to be public and whether they can utilize a master meter. (To be resolved at Final Site Plan)

## **TRANSPORTATION CONSULTANT (KIMLEY HORN)**

### **TIA Comments:**

- The Traffic Impact Analysis for the development was submitted on September 15<sup>th</sup>, 2025. Below are the review comments from the City Traffic Consultant regarding the TIA. The primary feedback on the initial TIA focused on the necessity for turn lane warrants at unsignalized intersections. These comments have been forwarded to the development team and their transportation engineer, who is currently addressing them to prepare version 2 of the TIA. We are awaiting this revised version, which will undergo review by Kimley Horn.
- The expected new trip generation for the proposed development is as follows:
  - 1,321 Daily Trips
  - 88 AM Peak Hour Trips
  - 104 PM Peak Hour Trips

### **TIA Proposed Mitigation (both have been incorporated as conditions by the applicant):**

- Right Turn Lane Warrant
  - The right-turn lane warrants note that the opposing right turn lane is default 100 vph, while the note in the top right corner of the warrants state that the right turn should be 100 vph as a MINIMUM, not the default. With this revision in place, it is expected that a right turn-lane with 50' storage would be warranted at the site access.
- Support of the Left Turn Lane
  - The consultant supported the following recommendation from the TIA, "Construct a westbound left turn lane on Haywood Road at the site access with at least 50 feet of storage. Final design to be coordinated with NCDOT."

## **SECOND ACCESS REQUIREMENTS**

### **No Second Access Required:**

- Because this project is *not* proposing to subdivide any of the property, the developer is exempt from requirements in the City's subdivision ordinance. One of these requirements, Section 4.03 – Street, Table

4.03.C.3: Required Points of Access, requires a second access for a subdivision with 31 or more residential lots. However, the applicant would be exempt from this portion of the ordinance through section 4.03.c.d.ii:

D. Development shall be exempted from these standards if it is demonstrated the following conditions apply:

- i. transportation impact analysis allows a deviation;
- ii. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
- iii. NCDOT will not authorize the required number of entrances; or
- iv. Alternative access can be provided in a manner acceptable to the city that is supported by a transportation impact analysis.

- With the revisions to our Planned Residential Development zoning ordinance, the developer is required to provide stub-outs, which is a continuation of the road to the property line to provide a potential connection point if the road was ever extended. The developer has proposed two stub-outs, one going to the south of the property and one going to the east.

#### **Fire and Emergency Vehicle Access**

- The City's fire marshal reviewed the plans for the project and determined that one of two options would satisfy the fire requirements for this project. The developer could provide a second access onto the site, or they could use sprinkler systems throughout all the buildings. The developer is currently proposing sprinkler systems in all buildings.
- The fire marshal has also agreed to allowing an increased grade of 12% (from the 10% standard).

GENERAL REZONING STANDARDS	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b></p> <p>The subject property is noted as being “underdeveloped” on the Land Supply Map.</p> <p>The subject property is “most suitable” on the Land Suitability Map.</p> <p>The subject property is classified as being suitable for “low-intensity” development on the Development Intensity Map.</p> <p><b>FUTURE LAND USE &amp; CONSERVATION MAP</b></p> <p><b>Character Area Designation:</b> Family/Neighborhood Living</p> <p><b>Character Area Description:</b> Somewhat Inconsistent</p> <p><b>Zoning Crosswalk:</b> Consistent</p> <p><b>Focus Area Map:</b> N/A</p> <p><b>Developer Requested Future Land Use Designation</b></p> <p><b>Character Area Designation:</b> Multi-Generational Living</p> <p><b>Character Area Description:</b> Consistent</p> <p><b>Zoning Crosswalk:</b> Consistent</p>
2) COMPATIBILITY	<p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</b></p> <p>The proposed development is located in a transition area from urban downtown Hendersonville to rural county. Stretching along Haywood Road are a number of subdivision that were established at various period throughout history. To the east and north are primarily single family subdivisions, while to the west there are primarily duplexes and townhomes. This development primarily features duplexes and town homes, which is compatible with the developments to the west, however, the density is less compatible with properties to the east.</p> <p>Additionally, the large amount of grading on the site has a severe impact on adjacent properties and is incompatible with the types of development on some sides of the subject property.</p>
3) Changed Conditions	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p>The subject property was previously proposed for development as a multi-family apartment building project. The project was withdrawn, and this is the latest iteration of the project. There have been some changes to the ordinance, and the City’s comprehensive plan was updated.</p>
4) Public Interest	<p><b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b></p>

	<p>The proposed development does emulate surrounding developments along Haywood Road. The proposed transportation mitigation would decrease the negative impact on Haywood Road. The large amount of grading on the site does negatively impact the environmental health of the site overall, and has the potential to impact adjacent properties.</p>
5) Public Facilities	<p><b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b></p> <p>The site will be served by public utilities. The developer is currently proposing the water/sewer lines on the property to be private. The sewer lines would likely need to be public, but this is something that will be resolved at final site plan.</p>
6) Effect on Natural Environment	<p><b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b></p> <p>The site overall presents a moderate to high impact on the natural environment. As previously mentioned, significant grading is required, which necessitates the construction of several retaining walls throughout the property. While the developer is generally complying with the City's stream buffer protections, there is one exception: a condition has been included to reduce the 20-foot transitional buffer to 0 feet along a small portion of the stream on the eastern side of the site plan. The applicant is seeking to mitigate some of the harmful impacts through the preservation of a larger amount of tree canopy than required by ordinance. These trees are primarily concentrated in a wetlands portion of the property running along Brittain Creek.</p>

The petition is found to be **inconsistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition proposes duplexes, triplexes, and quadplexes that are not consistent with the Future Land Use designation of Family/Neighborhood Living, which is intended to support lower-intensity, neighborhood-scale development. The proposal also fails to incorporate a conservation design—typically expected as a tradeoff for smaller lot sizes or increased density—because the development requires extensive grading that significantly alters the site's natural topography. The scale of grading and overall design are not compatible with the character of adjacent developments.*

We [find/do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

**DRAFT [Rationale for Approval]**

- *The addition of 180 units supports the City's goal of increasing the overall housing supply.*
- *The proposed development utilizes existing infrastructure and aligns with the City's objective to encourage infill development.*
- *The project incorporates "missing middle housing" principles by offering a range of housing sizes, consistent with the City's goal to provide diverse housing options for a variety of residents.*
- *The proposed development is in alignment with the surrounding developments.*

**DRAFT [Rationale for Denial]**

- *The proposed development does not provide adequate site access for emergency services and lacks interconnectivity.*
- *The proposed development is incompatible with the surrounding developments.*
- *The grading of the proposed development will significantly alter the natural environment of the site and significantly impact some adjoining neighbors.*