



## PLANNING BOARD RECOMMENDATION

Project #: P22-55-CZD

Meeting Date: August 8, 2022

PETITION REQUEST: Conditional Rezoning – Cottages at Mastermind

APPLICANT/PETITIONER: Tom Martinson/Elam Hall, DR Horton [Applicant/Developer]  
John & Betty Hammond/Family Trust [Owner]

### PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. A specific topic around the alignment of the sewer connection and potential greenway connection was presented in detail. Warren Sugg, engineer, and Tom Martinson, developer, of the Development Team presented the details of their proposed site plan over the course of 20 minutes. In total, the Planning Board considered this item for 58 minutes. The Planning Board had questions related to the proposal in regards to provision of gates, rental vs owner-occupied, heights, per unit size, pedestrian connection to Highland Square, site lighting, stormwater management and constraints related to sewer connection. Overall there was a desire amongst the Planning Board that an aerial stream crossing for sewer be avoided.

One member of the public spoke and asked questions related to the development:

1. Ken Fitch, 1046 Patton Street – asked if grass pavers would be accessible to other emergency personnel other than the fire department.

### MOTION:

Mr. Hanley made a motion to approve the petition. The motion was amended by Mr. Brown. The motion passed unanimously.

### COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan. Furthermore, the Regional Activity Center Future Land Use designation recommends densities exceeding those proposed for this development*

### REASONABLENESS STATEMENT

We 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:

#### **[Rationale for Approval]**

1. *The development of two-family residential dwellings will provide a needed housing*
2. *The development would provide housing in close proximity to shopping and employment opportunities.*

## PROPOSED CONDITIONS:

In addition to those conditions listed on the Site Plan (with the exception of Developer Proposed Condition #1 below) the following conditions were recommended by the Planning Board:

**1. Permitted uses and applicable conditions presented on the site plan shall be amended to exclude the aerial sewer connection and include the condition read by staff:**

*The developer agrees to connect to existing gravity sewer on the south side of Allen Branch west of the subject property so long as it is feasible. If a connection is not currently feasible, then the developer shall use best efforts to obtain a sufficient utility easement from affected property owners for connection. In this instance, best efforts include an offer to purchase a utility easement on the affected land at market value as determined by a certified MAI appraisal. If the developer is unable to obtain a utility easement from the affected property owners, then the developer may request that the City of Hendersonville obtain the needed utility easement from the affected property owner subject to the developer repaying the fair market value of the easement obtained by eminent domain. In this instance, fair market value shall be the value as determined by the condemning authorities' certified MAI appraisal or jury verdict, including any cost and attorneys' fees. If the City chooses not to use their powers of eminent domain, the developer may be permitted to install subsurface gravity sewer crossing the stream with adequate cover as determined by the City for sewer connection across Allen Branch Creek. If, upon review by City Staff, subsurface gravity sewer stream crossing is not feasible, the developer may be permitted to install a stream crossing without adequate cover after performing a flood study, at the developer's expense, showing no impact to flooding will occur. The aerial crossing is subject to the review by City Staff and shall be as near to the stream bottom as possible to reduce the amount of exposed pipe.*

**2. [Amendment] Within the requirements of the Americans with Disabilities Act and per safety regulations, lighting shall be downward facing and fully shielded. Sidewalks away from the parking areas will use pedestrian height lighting as negotiated with city staff.**

## CONDITIONS ON SITE PLAN:

- ~~1. Any developer-provided aerial stream crossing shall be elevated above the 100-Year Floodway/NEZ and permitted under applicable codes.~~
2. Developer to provide non-exclusive, 20' wide greenway easement that runs parallel to Allen Branch Creek.
3. Developer to replace 50%, a total of 11, of the proposed Linden and Zelkova tree plantings with native medium or large canopy trees from the following Genera (Quercus and Acer).
4. Developer to protect preserved trees from construction activities as prescribed in the zoning code 15-4 regardless of use as tree credits.
5. Developer to plant an additional 15 oak, maple, and/or poplar trees than shown within the "Proposed Planting Schedule" shown on LI10 – Landscape & Resource Plan, throughout the open spaces created by this development.
6. Developer will perform a TIA after the rezoning is considered due to the location of the project on a Local Street as stipulated by the PRD zoning. The developer will be responsible for any mitigation of traffic impacts recommended as a result of the findings from the TIA.
7. The developer requests relief from the 75' requirement for parking space distance from the residential units.
8. Developer to be granted relief from second fire/emergency access requirement

## BOARD ACTION

- **Motion/Second:** Hanley / Blatt (Brown w/ Amendment)
- **Yeas:** Hanley, Blatt, Brown, Cromar, Peacock, Glassman, Flores, Martin, Nace, Robertson
- **Nays:** N/A
- **Absent:** N/A
- **Recused:** N/A