

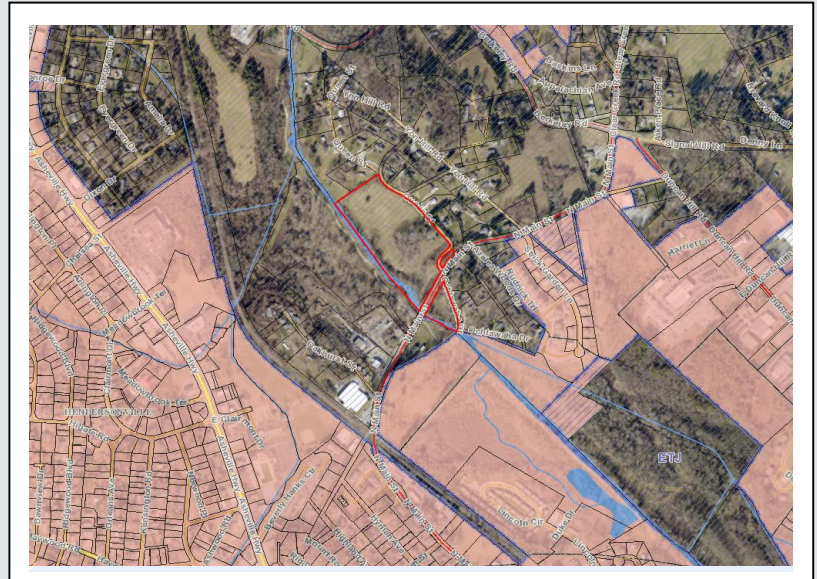
PRELIMINARY SITE PLAN AND PRELIMINARY PLAT REVIEW–THE TOWNES
AT MARTHA KATE (A22-76-SPR) (A22-89-MAJ SUB)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
 - The Townes at Martha Kate
 - A22-76-SPR
 - A22-89-MAJ SUB
- Applicant & Property Owner:
 - Rick Moore [Applicant]
 - Rick Moore and Mitch Gaither [Owners]
- Property Address:
 - 153 Queen Street
- Project Acreage:
 - 13.26 Acres
- Parcel Identification (PIN):
 - 9569-75-0342
- Parcel Zoning:
 - R-20, Medium Density Residential
- Future Land Use Designation:
 - Medium Intensity Neighborhood
 - Natural Resource / Agricultural
- Requested Uses:
 - Planned residential developments (minor)
- Type of Review:
 - **Administrative**- Decisions made in the implementation, administration, or enforcement of the Zoning and Subdivision Ordinances that involve the determination of facts and the application of objective standards set forth in the Zoning and Subdivision Ordinances.



SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for preliminary site plan review from Rick Moore and Mitch Gaither. The applicant is proposing to construct 26 detached townhome units on the subject property at 153 Queen Street (PIN 9569-75-0342).

The proposed site plan shows 26 detached townhome units. 16 of the units will be approximately 1,485 square feet. The remaining 10 units will be approximately 884 square feet.

The proposed density of the development is approximately 1.96 units per acre. An R-20 Minor Planned Residential Development allows a density of 2.5 units an acre or 33 units. More information concerning the requirements and process for Minor Planned Residential Developments can be found below.

Since this development is proposed detached townhome units, the land must be subdivided in order to be built and sold. Due to this, this project must also go through the City's subdivision process. Since the project involves 8 or more lots and the dedication of a new street the project meets the criteria of a major subdivision and therefore will be reviewed according to the standards of section 2.04 H of the subdivision ordinance.

PRELIMINARY SITE PLAN AND MINOR PRD REVIEW GUIDELINES

Review of Preliminary Site Plans

Review of preliminary site plans applies to larger projects where the costs of developing detailed final plans can be substantial. It is designed to provide the applicant an opportunity to obtain authorization for a site specific development while incurring reduced expense. Review of preliminary plans is a function of the Planning Board.

Preliminary plan review is required of all development undergoing Site Plan Review for the following:

- Any commercial, industrial or institutional development consisting of more than 20,000 square feet of floor area.
- Addition of more than 30 parking spaces.
- Any Minor Planned Residential Development consisting of 9 or more dwelling units.

Approval of a preliminary site plan shall **not** entitle the applicant to the issuance of a zoning compliance permit. Upon approval of the preliminary site plan by the Planning Board the applicant must then submit an application and final site plans meeting the requirements of the zoning ordinance, in addition to any other approval including but not limited to stormwater approval, utility approval, driveway permits, land disturbance approval, etc. The applicant shall have two years from the date of such approval to obtain final site plan approval.

5-14-7. Minor Planned Residential Developments

The maximum number of dwelling units which may be constructed in a Minor Planned Residential Development shall be 50 or a number computed on the basis of the following table, whichever is less:

Use District	Dwelling Units Per Acre
R-40	1.0
R-20	2.5
R-15	3.75
R-10	5.5
R-6	8.5
MIC	5.5
RCT	5.5
C-2	8.5
C-3	8.5
I-1	8.5

Minor Planned Residential Developments (Minor PRD) shall be governed by the development standards for Planned Residential Developments (PRD). Unlike Major PRDs, there is no minimum site requirement for a Minor Planned Residential Development, nor is there a requirement that access be by means of a designated thoroughfare. Unlike Major PRDs which undergo a rezoning to a Conditional Zoning District, Minor PRDs undergo site plan review only and do **not** require a rezoning. In cases, where the Minor Planned Residential Development contains 9 or more units, the development must go through preliminary site plan review by the Planning Board. If approved, the subject property would retain its R-20 zoning.

PRELIMINARY PLAT AND MAJOR SUBDIVISION GUIDELINES

Preliminary Plat Standards of review

An application for a Major Subdivision shall be approved, if it complies with the following:

- The Major Subdivision is prepared and sealed by a licensed professional authorized by the state to prepare such documents.
- The Major Subdivision complies with the applicable standards in G.S. 47-30.
- The Major Subdivision includes all required certifications and other pertinent information as required by the city;
- All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT or city standards, as appropriate.
- The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Hendersonville or Henderson County.
- Street names used in the subdivision shall not duplicate or be similar to the names of streets in an existing subdivision in Hendersonville or Henderson County.
- All standards or conditions of any prior applicable permits and development approvals.
- The Major Subdivision complies with all other applicable requirements in this ordinance and the City Code of Ordinances.

Major Subdivision

Major Subdivisions include all divisions of land involving 8 or more lots; and/or involve the dedication of a new street or change in existing streets. Major Subdivisions must be reviewed by staff and must undergo an administrative review hearing by the Planning Board.

The Planning Board shall make an administrative decision after the conclusion of a public meeting. The procedure for a public meeting is as follows:

- Public meetings shall comply with the notice requirements of section 2.03.F.
- A public meeting shall be open to the public and shall be conducted in accordance with the planning board's adopted rules of procedure for administrative hearings.
- There is no requirement to allow general public comments during a public meeting, though it may be allowed by the chair or other presiding officer. However public input and comment shall be allowed as required by applicable laws, the standards of this ordinance, and the Planning Board's adopted rules of procedure.

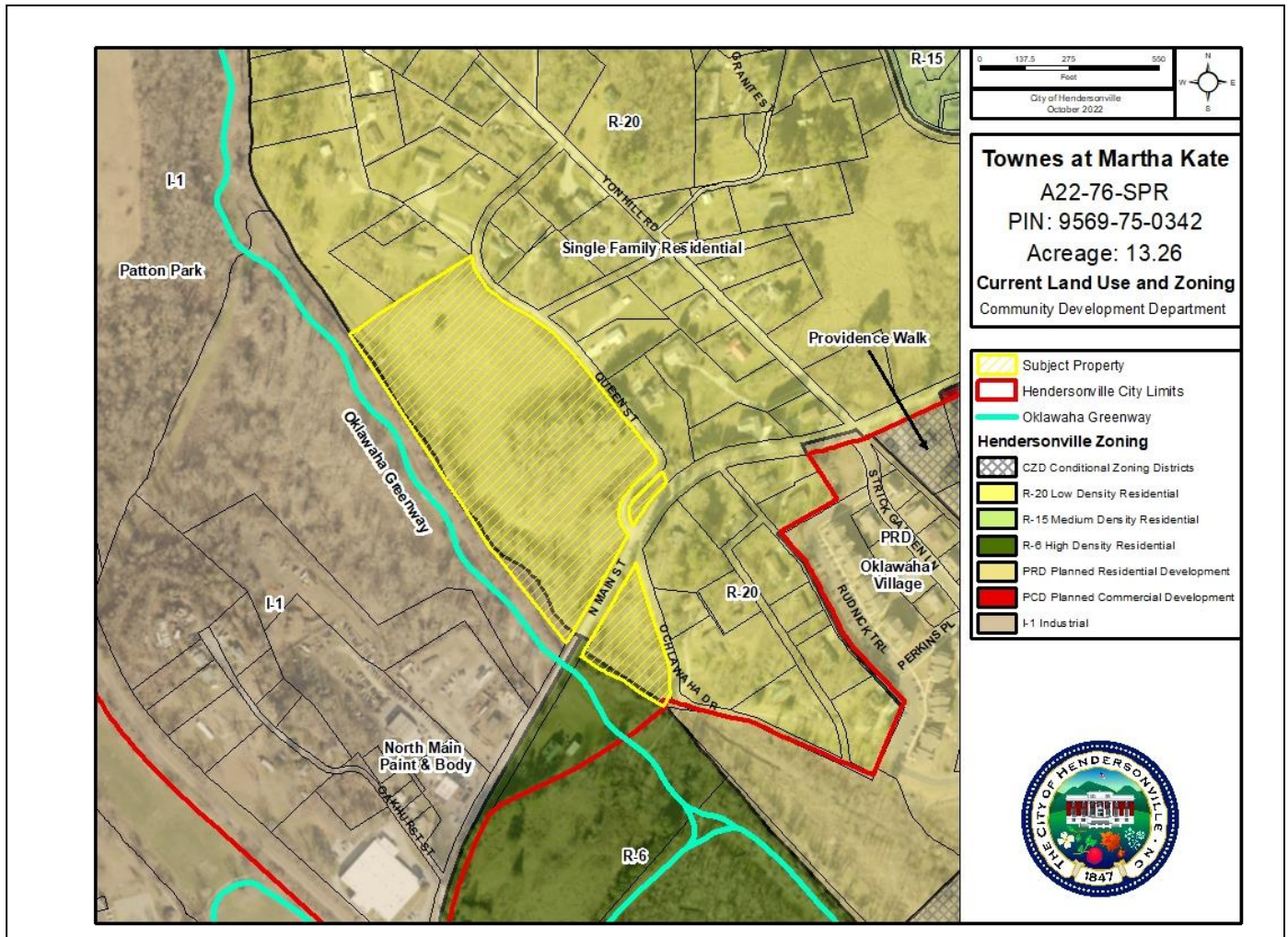
The Planning Board's decision shall be one of the following. All the following decisions are administrative in nature:

- Approval of the Major Subdivision as proposed.
- Approval of a revised Major Subdivision.
- Denial of the Major Subdivision.

The Planning Board shall render a decision on an application for a Major Subdivision within 32 days of the date of the first public meeting to consider the application unless a different review schedule is agreed to by the Planning Board, the City, and the Applicant.

Approval of a required Major Subdivision **shall not** constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots. Approval of a required Major Subdivision authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plan.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is zoned R-20 low density residential and is a part of the transition from high density residential and industrial zoning to low density residential zoning that continues towards Berkely Road. The property fronts on Queen Street which is currently a gravel road that is maintained by NCDOT. The R-20 zoning in this area appears to be exclusively made up of single-family homes.

The Oklawaha Greenway is on the opposite side of Mud Creek from this parcel. The developers have proposed a private trail that runs along the southwest side of their property that is planned to tie into the Oklawaha Greenway. The abutting parcels to the southwest are zoned I-1 and these parcels are made up of floodplain/ flood way properties, some of which contain commercial uses.

There are two Planned Residential Development Conditional Zoning Districts to the northeast. These developments include Oklawaha village, which has a mix of single-family homes and multi-family and Providence walk which is has begun grading for 93 single family homes.

SITE IMAGES



View of where previous homestead was located prior to removal.



*View of wetland area on property adjacent to Queen Street.
(Area highlighted on site plan snip)*

SITE IMAGES



View of Queen Street's existing conditions from North Main Street.



View of the flood plain/floodway area on the lower portion of the property. High transmission power lines running along this area also visible.

SITE IMAGES



View of the grade change as the property ascends towards Queen Street. This area would be the approximate location of homes 1-10



View of the grove of large mature trees to be removed surrounding the previous homestead. (Tree survey included in packet)

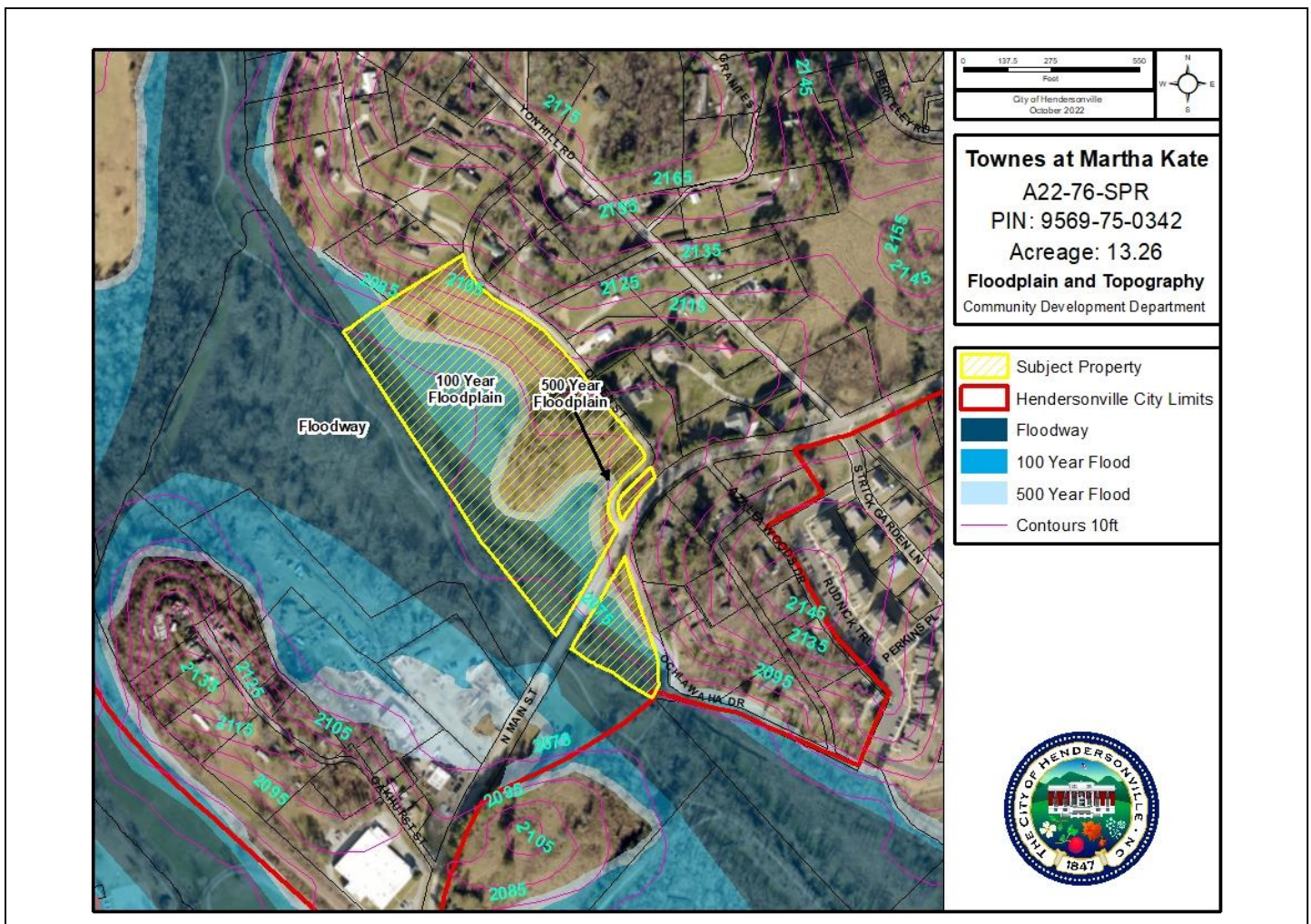
VARIANCE APPROVAL (FLOODPLAIN AND TOPOGRAPHIC HARDSHIP)

On October 11th, 2022, the Board of Adjustment granted this development a variance from the requirement that “dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street.”.

Due to floodplain and topographic constraints on the site, the Board of Adjustment granted this variance which allowed a 27' setback from the center line for units 1-10 instead of the required 35'. The 27' variance approved setback for lots 1-10 is shown on the preliminary site plan.

As you will see in the map below. The lower portion of the property is covered in floodplain and as the property moves towards Queen Street it goes up a slope. The development as shown on the plan puts homes 1-10 between the floodplain and the steep slopes near Queen Street.

By allowing the reduction in the required setback, the development does not include filling the floodplain for homes and does not propose any structures within the floodplain. They are proposing to fill a portion of the floodplain for their stormwater control measures.



PROPOSED DEVELOPMENT DETAILS

- **Units**
 - 26 Detached Townhomes units
 - 884 Square Foot Units- 26x34 (1-10)
 - 1,485 Square foot units- 27x55 (11-26)
 - Proposed Height-30'
- **Proposed Use:**
 - R-20, Low Density Residential Minor Planned Residential Development (R-20, Minor PRD)
- **Acres/Density**
 - 13.26 Acres
 - Proposed density-1.96 units per acre or 26 units.
 - Allowed density- 2.5 units an acre or 33 units.
- **Natural Resource**
 - The property contains floodway, 100-year floodplain, and 500-year floodplain according to the 2007 FEMA maps for Henderson County. The property has a wetland that has been delineated by Atlas Environmental Inc.
 - The developer is allowed to fill 0.70 acres in accordance with the City's Zoning Ordinance.
 - The developer is proposing to fill 0.45 acres.
 - No structures will be placed in the floodplain or filled area.
 - The development will be required to have a Stormwater Control Measure (SCM). The SCM is primarily located within the portion of the 100-year floodplain area which is proposed to be filled. This is permitted by our Zoning Ordinance. Additionally, the City's Stormwater Administrator and Floodplain Administrator confirmed that the proposed placement meets City Standards.
 - The 30' stream buffer and 20' transitional zone will be protected in accordance with the Zoning Ordinance. A private trail is proposed to be constructed outside of those areas near the stream.
 - The steepest degree slope on the property is 14.3%.
- **Streets**
 - All internal streets to the site (including the alley) will be built to public street standards and dedicated to the City.
 - The site plan includes the upgrading of Queen Street from North Main Street just beyond the main entrance of the development.
 - NCDOT has requested that the developer dedicate additional Right-of-Way in order to accommodate potential upgrades to Queen Street in the future.
- **Parking**
 - PRD requires -1 parking space per unit for 1-2-bedroom units and 1.5 parking spaces for 3+ bedroom units. The proposed development shows 1 driveway space and 1 garage space for all units.

- **Sidewalks**
 - The development shows sidewalks along all internal streets and provides sidewalks out to the intersection of Queen Street and N. Main Street.
- **Public Utilities**
 - The site will be served by City of Hendersonville Water and Sewer.
 - Provision of City Utilities requires that the property be annexed.

OUTSTANDING PRELIMINARY SITE PLAN AND PRELIMINARY PLAT COMMENTS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The preliminary site plan and preliminary plat accompanying this petition meets the standards established by the Zoning and Subdivision Ordinances for Planned Residential Development (5-14), Preliminary Site Plan (7-3-3), and Preliminary Plat (2.04.H) with the following exceptions:

- (Preliminary Site Plan) The development is required to have a 12x40 loading/unloading space. Potentially in front of the cluster mailbox. [Final design can be addressed during final site plan review.](#)
- (Preliminary Site Plan) Proposed phasing lines (if proposed to be phased).
- (Preliminary Plat) Cluster mailbox location- Do you plan to add any parking here or do you envision residents walking along the sidewalks to get their mail? [If no parking spaces are provided, then pedestrian infrastructure must be present to allow residents to walk and get their mail. Sidewalks are provided throughout the development, so no parking at the cluster mailbox is required. However, final design could include the provision of parking spaces at final site plan.](#)
- (Preliminary Plat) The easements on the plat are not finalized and have not been reviewed by the City's Engineering or Water and Sewer Department. The City can require other easement configurations than what is shown on the preliminary plat. [The finalized easements will be recorded on a separate easement plat. The applicant will work with our Legal, Engineering, and Water and Sewer departments to ensure that the easements are correct and in accordance with City requirements.](#)
- (Preliminary Site Plan) Sidewalks are required along the property frontage to the southwest on N. Main Street (towards the bridge). The applicant advised that sidewalks in this area cannot be accomplished due to existing NCDOT guardrails in this area. [City staff prefers that sidewalks be constructed in this area and could coordinate with NCDOT about the reconfiguration of the guardrail \(in front of the sidewalk\). However, the applicant has the ability to request a fee-in-lieu of the sidewalk or agree to build the required length of sidewalk off-site at a location determined by the City Manager. The fee-in-lieu request must be approved by the City Manager. The details for sidewalks need not be finalized at this stage and can be worked through with staff during the Final Site Plan review.](#)

CITY ENGINEER

Preliminary Site Plan Comments:

- None

WATER / SEWER

Preliminary Site Plan Comments:

- None

FIRE MARSHAL

Preliminary Site Plan Comments:

- None

STORMWATER ADMINISTRATOR

Preliminary Site Plan Comments:

- None

FLOODPLAIN ADMINISTRATOR

Preliminary Site Plan Comments:

- None

PUBLIC WORKS

Preliminary Site Plan Comments:

- None

NCDOT

Preliminary Site Plan Comments:

- None

TRANSPORTATION CONSULTANT

Preliminary Site Plan Comments:

- None (the proposed use and unit count did not trigger a TIA)

STAFF ANALYSIS

Zoning Compliance:

Based on the review by staff, the submitted preliminary site plan for the Townes at Martha Kate Project meets the Zoning Ordinance standards established for Minor Planned Residential Developments (Section 5-14) and Preliminary Site Plan Review (Section 7-3-3.2).

Subdivision Compliance:

Based on the review by staff, the submitted preliminary plat for the Townes at Martha Kate Project meets the Subdivision Ordinance standards established for Major Subdivisions (Section 2.04 H).