

REZONING: CONDITIONAL REZONING – COTTAGES @ MASTERMIND (P22-55-CZD)

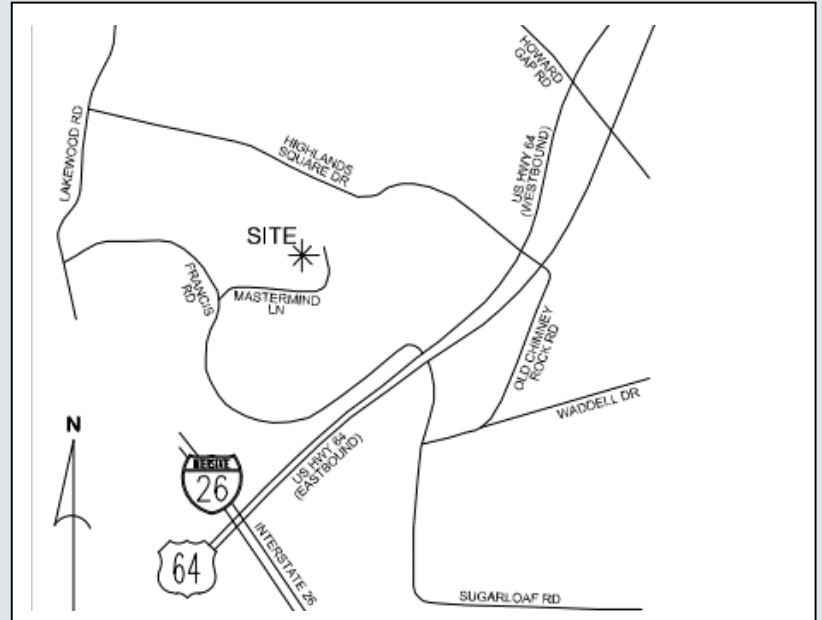
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Cottages at Mastermind
  - P22-55-CZD
- Applicant & Property Owner:
  - Tom Martinson & Elam Hall / DR Horton (DHIC, LLC) [Applicant]
  - John Hammond / Hammond Family Trust [Owner]
- Property Address:
  - 102 Francis Rd
  - 228 Mastermind Ln
- Project Acreage:
  - 12.76 Acres
- Parcel Identification (PIN):
  - 9579-48-2415
  - 9579-48-6832
- Current Parcel Zoning:
  - R-40 Low Density Residential
  - C-2 Secondary Business
- Future Land Use Designation:
  - Regional Activity Center
- Requested Zoning:
  - Planned Residential Development Conditional Zoning District (PRD)
- Requested Uses:
  - Two-Family Residential
- Neighborhood Compatibility Meeting:
  - June 3, 2022



SITE VICINITY MAP

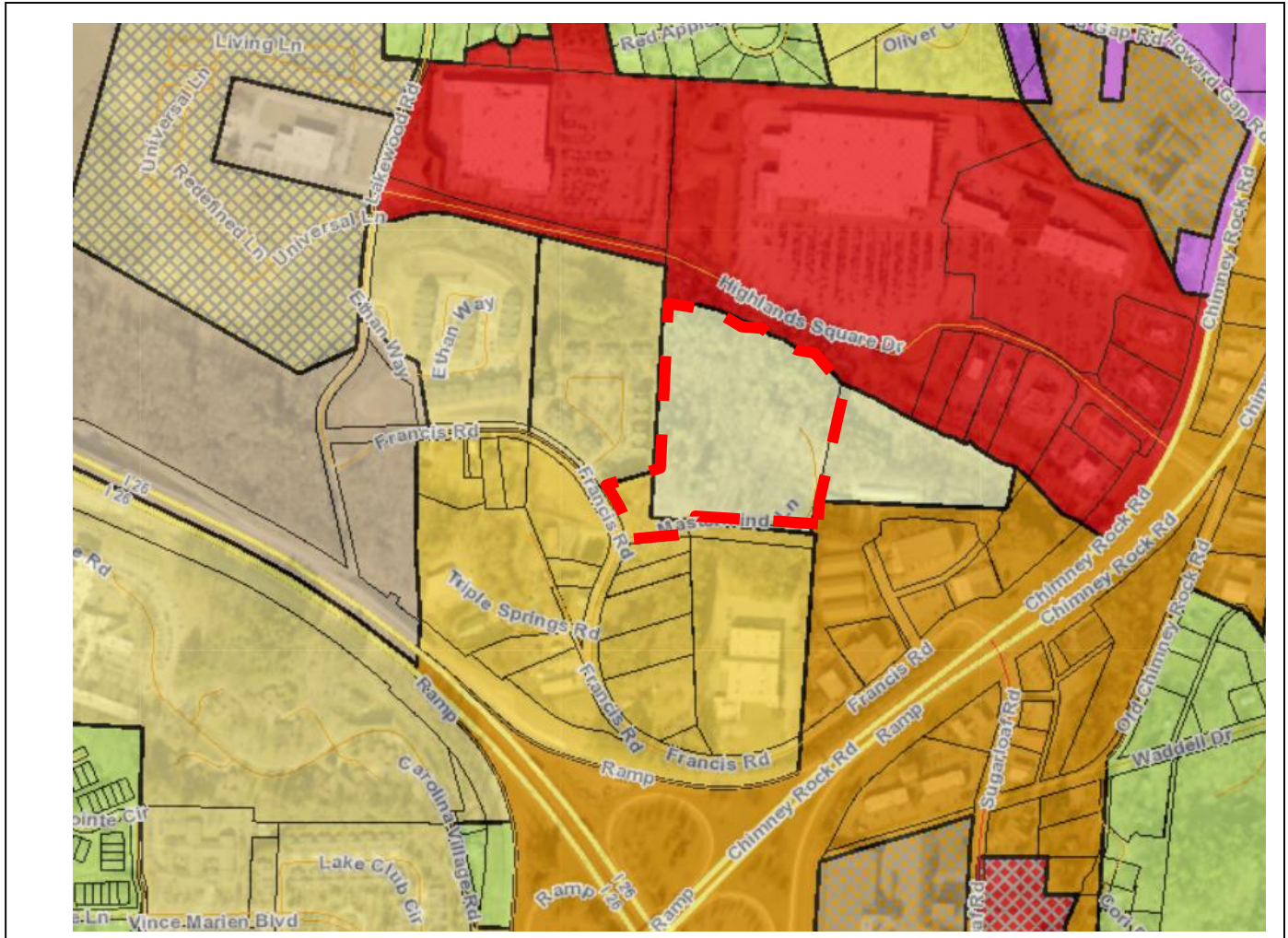
*The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Tom Martinson & Elam Hall of DHI Communities, applicant and John and Betty Hammond, property owners. The applicant is requesting to rezone the subject property, PINs 9579-48-2415 and 9579-48-6832 and located off Francis Road/Mastermind Lane, from C-2 Secondary Business and R-40 Low Density Residential to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 98 two-family units and 1 single-family home on approximately 12.76 acres*

*The proposal includes the addition of 49 – 2-unit “casitas”, 1 – 1 unit casita, a clubhouse/mailroom and 3 garage structures.*

*The proposal would include a recombining of the subject properties to create a single parcel. The proposed density of the projects equates to 7.8 units/acre.*

*No other uses are proposed to be permitted by the rezoning.*

## EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is unique in that it is split zoned between the City's least intense zoning districts (R-40) and one of its most intense districts (C-2). The property also borders another R-40 tract to the east yet further to the east is the C-3, Highway Business zoning districts which flanks Chimney Rock Rd / US 64. To the north, the property borders the Planned Commercial Development (PCD) associated with the Highlands Square development (Wal-Mart & Sam's Club shopping center). This development is buffered from the subject property by Allen Branch creek as well as a large retaining wall. To the east of the subject property is the PRD development of Cedar Bluff apartments (approx. 32 units) and adjacent to that is Cedar Terrace apartments (apprx. 80 units) for a combined density of 5.6 units/acre. All properties to the south are zoned C-2, Secondary Business.



SITE IMAGES



*View of existing principal structure*



*View of dry creek/wet weather conveyance and secondary residence on subject property*



SITE IMAGES



*View of typical wooded scene*



*View of tree-lined drive running along property boundary*



SITE IMAGES



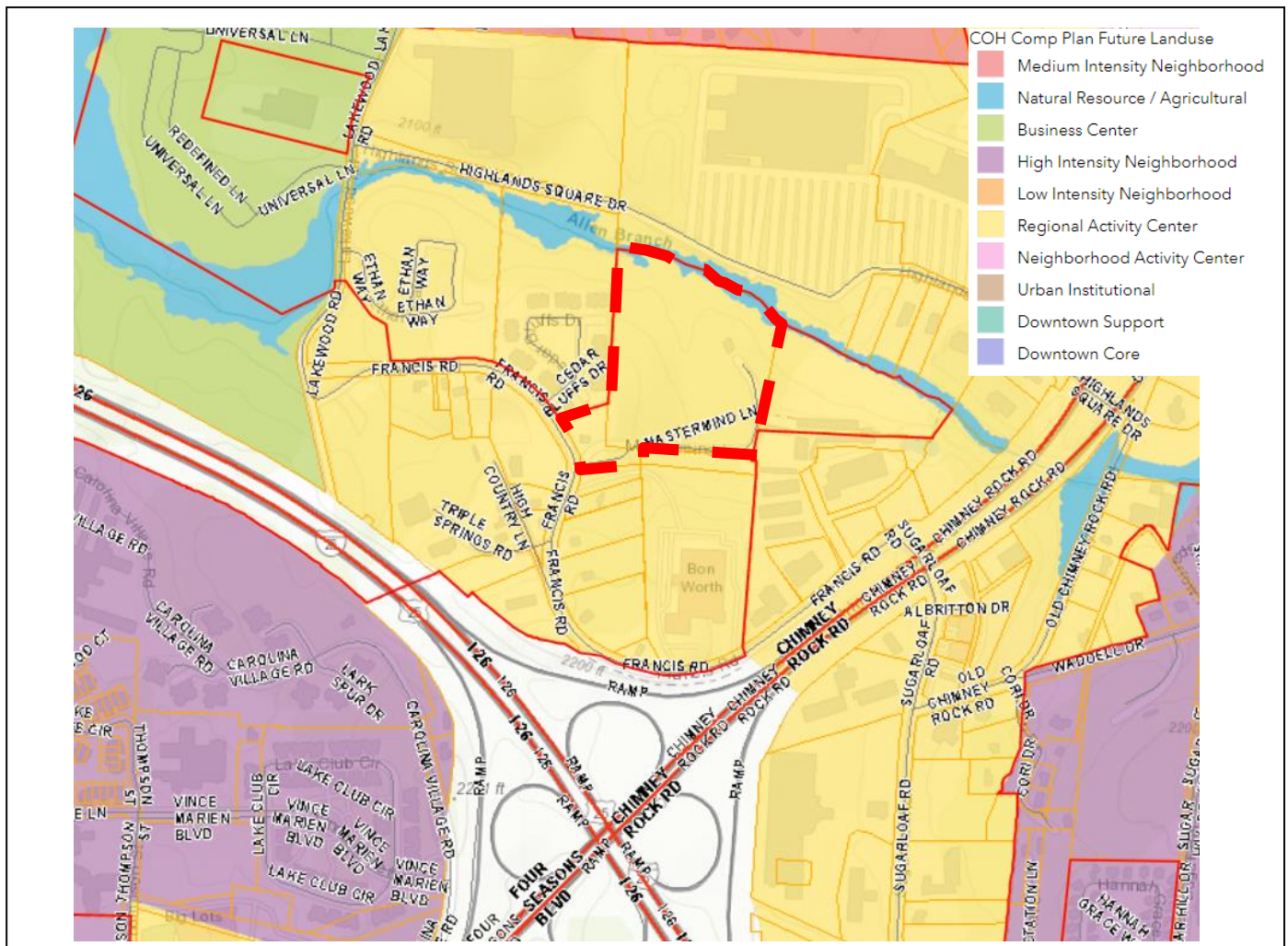
*View of rock wall at wet weather conveyance on subject property*



*View of Allen Branch at rear of subject property*



## FUTURE LAND USE



City of Hendersonville Future Land Use Map

*The subject property and the surrounding parcels are designated as Regional Activity Center on the 2030 Comprehensive Plan Future Land Use Map due to its proximity to I-26 and Chimney Rock Rd.*

*Other designations in proximity to the site include Business Center, Natural Resource / Agriculture, Medium Intensity Neighborhood and High Intensity Neighborhood.*

*Francis Rd is designated as a Local Street.*

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	The subject property is designated as <i>Regional Activity Center</i> on the <i>Future Land Use Map</i> . <b>Goal LU-9.</b> Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects [CONSISTENT]
	<b>Strategy LU-9.2. Primary recommended land uses:</b> <i>Community and regional retail sales and Services and Restaurants</i> [INCONSISTENT]
	<b>Strategy LU-9.3 Secondary recommended land uses:</b> • <i>Multi-family residential</i> [CONSISTENT – two-family residential] • <i>Pedestrian amenities</i> [CONSISTENT]
	<b>Strategy LU-9.4. Development guidelines:</b> • <i>Mitigation of bulk of large buildings through façade detailing and window coverage</i> [N/A] • <i>Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures</i> [N/A] • <i>Provision of pedestrian connections to parking and other buildings and properties</i> [CONSISTENT]
Land Use & Development	The property is designated as a “Priority Infill Area” on the <i>Growth Management Map (Map 8.3a)</i> . “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties”. [CONSISTENT]
	The project area is identified as a “Development Opportunity” in the <i>Comprehensive Plan’s Map 8.2b: Development Framework</i> . This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]
	<i>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development</i> [CONSISTENT]
Population & Housing	<i>Strategy PH-2.1. Encourage variation in lot sizes and housing types within new developments</i>
	<i>Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.</i>
Natural & Environmental Resources	<i>Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat</i>
	<i>Strategy NR-1.3. Encourage restoration of natural habitat and drainage patterns in developed areas.</i>
Cultural & Historic Resources	<b>No Goals, Strategies or Actions are directly applicable to this project.</b>
Community Facilities	<b>No Goals, Strategies or Actions are directly applicable to this project.</b>
Water Resources	<i>Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management</i>
Transportation & Circulation	<i>Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>



GENERAL REZONING STANDARDS	
Compatibility	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>
	A mix of commercial and residential uses are found in the immediate area. Low density single family residential as well as multi-family residential are both found near the proposed project area. Additionally, intense uses such as manufacturing, a regional-scale shopping center and self-storage units are all adjacent to the site.
Changed Conditions	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	The Francis Rd / Lakewood Rd area has seen significant development activity in recent years with additional development proposed in close proximity of the subject property. Recent developments include the Universal at Lakewood multi-family development which is currently under construction and will provide 291 apartment units.
Public Interest	<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>
	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 1,138 rental units. If this project is approved, Hendersonville's recently-approved rental units would total 1,237. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 1,650 to 2,008-unit gap, exist for those income levels greater than 120% AMI.
Public Facilities	<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>
	The site will be served by City water and sewer service. Francis Rd is designated as a Local street on the Comprehensive Transportation Plan and is maintained by NCDOT. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	<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>
	The subject property features 340 trees of 12+” in dbh. 240 of these are proposed to be cleared. Allen Branch runs along the rear of the property where no site disturbance beyond a sewer crossing is proposed. There is also a blue line stream running through the center of the property according to the USGS Map. A field inspection by staff concluded that this is not an active stream but rather a dry creek / wet weather conveyance. The developer is working with the US Army Corp of Engineers to update the status of the creek. This ditch is proposed to be piped and utilized for stormwater management.

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.*

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

*DRAFT [Rational for Denial]*

- *Regional Activity Center recommends uses with greater density and intensity than two-family residential. (LU-9.2 & LU-9.3)*



## PROPOSED REQUEST DETAILS

- Site Plan Summary:
  - The site plan accompanying this petition contains the following provisions:
    - 99 Residential Units (Casitas) & Clubhouse totaling 2.09 Acres (16.4%)
      - 49 – Two-family Structures
      - 1 – Single-family Structure
    - Drives, Parking Spaces (188) and Sidewalks totaling 1.75 Acres (13.6%)
    - Open Space totaling 8.92 Acres (70%)
      - Common Open Space totaling 1.28 Acres (10%)
    - Fire Access with Grass Pavers
    - Greenway Easement on Allen Branch
- Proposed Uses:
  - Two-family & Single-family residential
- Developer Agreed Conditions (included on Site Plan):
  - Conditions Exceeding Standards:
    - Developer to provide non-exclusive, 20' wide greenway easement that runs parallel to Allen Branch Creek. [Staff-initiated – Agreed]
    - 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). [Tree Board - Agreed]
    - Developer to protect preserved trees from construction activities as prescribed in the zoning code 15-4 regardless of use as tree credits. [Tree Board - Agreed]
    - Developer to plant an additional 15 oak, maple, and/or poplar trees than shown within the “Proposed Planting Schedule” shown on L110 – Landscape & Resource Plan, throughout the open spaces created by this development. [Tree Board – Counter]
    - 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. [Staff-initiated – Counter]
    - Any developer-provided aerial stream crossing shall be elevated above the 100-Year Floodway/NEZ and permitted under applicable codes [Staff-initiated – Counter].
  - Conditions Reducing Standards:
    - The developer requests relief from the 75' requirement for parking space distance from the residential units [Developer-initiated]
    - Developer to be granted relief from second fire/emergency access requirement [Developer-initiated]

## **OUTSTANDING ISSUES & PROPOSED CONDITIONS**

### **COMMUNITY DEVELOPMENT**

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

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) with the following exceptions:

- A number technical corrections were provided to the applicant. Each of these were resolved.

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

- None

### **CITY ENGINEER**

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

- None

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

- None

### **WATER / SEWER**

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

- Resolved

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

- None

### **FIRE MARSHAL**

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

- Primary entrance and all drive aisles required to be 26-feet wide [resolved]
- Grass paved areas need to be extended and straightened. Marked up site plan provided [resolved]
- Grass paved areas require ""EMERGENCY ACCESS ONLY"" signage [resolved]
- Curbs at all turns need to be softened to allow fire apparatus to turn [resolved]
- The two proposed ""CC"" trees by fire access roads may block emergency apparatus; recommend substitution [resolved]
- A second entrance is required, It is recommend that road be extended to Cedar Bluff Drive to provide second emergency access. [outstanding]

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

- None

### **STORMWATER ADMINISTRATOR**

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



- Resolved - Jurisdictional Determination made by the Army Corps of Engineers to remove the blue line stream for a non-jurisdictional ephemeral drainage feature

**Proposed City-Initiated Conditions:**

- None

**FLOODPLAIN ADMINISTRATOR**

**Site Plan Comments:**

- Please note that utility service lines must be connected individually to the main. Each roofline must have its own connection to the sewer main. Water meters shall be located within the street right of way. [resolved]
- Provide a greenway trail easement along Allen Branch stream buffer. [outstanding]
- Sewer plan should not show aerial stream crossing. Look at connecting to sewer on same side of Allen Branch to avoid aerial crossing of stream – possibly utilizing Cedar Bluff Dr. [outstanding]

**Proposed City-Initiated Conditions:**

- Developer to provide a flood study for use of aerial stream crossing for sewer connection to show no impact to flood hazard areas.
- Developer to increase greenway easement from 10' to 20' and include utility maintenance access to the easement. Easement location will not be impacted by aerial stream crossing.

**PUBLIC WORKS**

**Site Plan Comments:**

- Resolve Trash Cart Issues – individual carts are required. Could have central collection points but these often get quite messy if all carts are placed in a single location. Consider dispersing the collection point [resolve at final site plan]

**Proposed City-Initiated Conditions:**

- None

**NCDOT**

**Site Plan Comments:**

- Driveway permit and sidewalk encroach will be required at Final Site Plan

**Proposed City-Initiated Conditions:**

- None

**TRANSPORTATION CONSULTANT**

**Site Plan Comments:**

- The proposed use did not trigger a TIA

**Proposed Condition:**

- A TIA will be performed 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.

**TREE BOARD**

**Site Plan Comments & Recommended Conditions:**

- See attached Tree Board Summary