

# CITY OF HENDERSONVILLE CURRENT PLANNING COMMITTEE

City Hall | 2nd Floor Meeting Room | 160 6th Ave. E. | Hendersonville NC 28792 Thursday, January 09, 2025 – 3:00 PM

# AGENDA

#### 1. CALL TO ORDER

#### 2. NEW BUSINESS

- <u>A.</u> Administrative Review: Preliminary Site Plan– Chabb Wood Acres Lane (A24-80-SPR)– *Tyler Morrow* – *Current Planning Manager*
- <u>B.</u> Rezoning: Conditional Zoning District Half Moon Heights Phase II (P24-41-CZD) *Tyler Morrow– Current Planning Manager*

#### 3. OTHER BUSINESS

#### 4. ADJOURNMENT

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the Community Development Department no later than 24 hours prior to the meeting at 828-697-3010.



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER:	Tyler Morrow	<b>MEETING DATE:</b>	January 9th 2025
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Administrative Review: Prelimin	arv Site Plan– Chabb Wo	od Acres Lane (A24-

 
 CITLE OF ITEM:
 Administrative Review: Preliminary Site Plan– Chabb Wood Acres Lane (A24-80-SPR)– Tyler Morrow – Current Planning Manager

#### **SUGGESTED MOTION(S):**

For Approval:	For Denial:
I move that the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-14 Planned Residential Development and 7-3-3 Review of Preliminary Site Plans) for the Chabb Wood Acres	I move that the Planning Board deny the application for preliminary site plan approval for the Chabb Wood Acres project because the applicant has failed to demonstrate compliance with the following provisions of the Zoning Ordinance
project.	Please list noncompliant sections
[DISCUSS & VOTE]	[DISCUSS & VOTE]

#### SUMMARY:

The City of Hendersonville is in receipt of an application for preliminary site plan review from Scott Street (applicant) and Larry Eugene Miller (property owner). The applicant is proposing to construct 29 detached single-family units on the subject property at 89 Chabb Wood Acres Lane (PIN 9579-67-4170).

The proposed site plan shows that the proposed lots sizes of the development will vary between 0.11 acres to 0.28 acres

The proposed density of the development is approximately 3.09 units per acre. An R-15 Minor Planned Residential Development allows a max density of 3.75 units an acre or 35 units

PROJECT/PETITIONER NUMBER:	(A24-80-SPR)
I KOJECI/I ETITIONEK NOMBEK.	- Scott Street [Applicant]
PETITIONER NAME:	······

	- Larry Eugene Miller [Owner]
ATTACHMENTS:	<ol> <li>Staff Report</li> <li>Preliminary Site Plan Packet</li> <li>Application / Owner Signature Addendum</li> </ol>

## <u>PRELIMINARY SITE PLAN-CHABB WOOD ACRES LANE (A24-80-SPR)</u> <u>CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT</u>

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#### PROJECT SUMMARY

- Project Name & Case #:
  - Windsor Built Chabb Wood Acres Lane
  - o A24-80-SPR
- Applicant & Property Owner:
  - Scott Street [Applicant]
  - Larry Eugene Miller [Owners]
- Property Address:
   89 Chabb Wood Acres Lane
- Project Acreage:
  - 9.39 Acres
- Parcel Identification (PIN):
   9579-67-4170
- Parcel Zoning:
   0 R-15, Medium Density Residential
- Future Land Use Designation:
   Multi-Generational Living
- Requested Uses:
  - Planned Residential Development (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 Scott Street (applicant) and Larry Eugene Miller (property owner). The applicant is proposing to construct 29 detached single-family homes on the subject property located at 89 Chabb Wood Acres Lane (PIN 9579-67-4170).

The proposed site plan show that the proposed lots sizes of the development will vary between 0.11 acres to 0.28 acres.

The proposed density of the development is approximately 3.09 units per acre. An R-15 Minor Planned Residential Development allows a max density of 3.75 units an acre or 35 units. More information concerning the requirements and process for Minor Planned Residential Developments can be found below.

Since this development is proposing detached singlefamily units, the land must be subdivided in order to be built upon and sold. Due to this, this project must also go through the City's subdivision process. Due to this project including 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. <u>The project will be</u> <u>required to come back to the Planning Board</u> <u>in order to receive Preliminary Plat Approval.</u>

#### 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 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

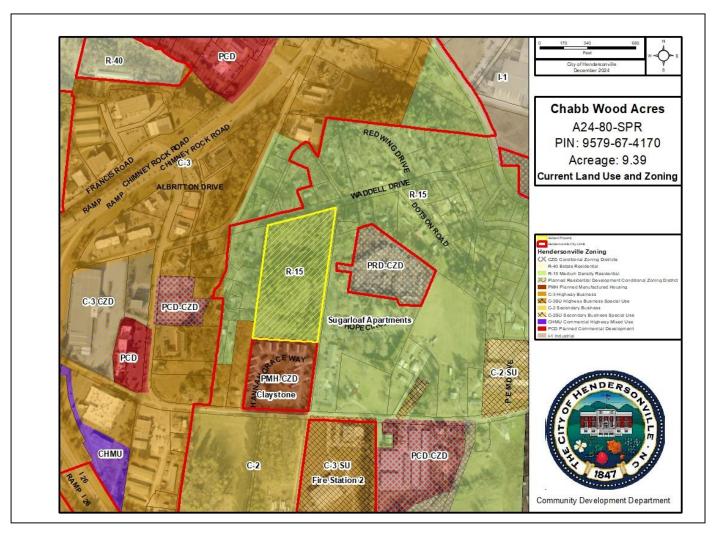
#### 5-14-7. Minor Planned Residential Developments

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
МІС	5.5
RCT	5.5
C-2	8.5
C-3	8.5
м	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 <u>not</u> 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-15 zoning.

#### EXISTING ZONING & LAND USE



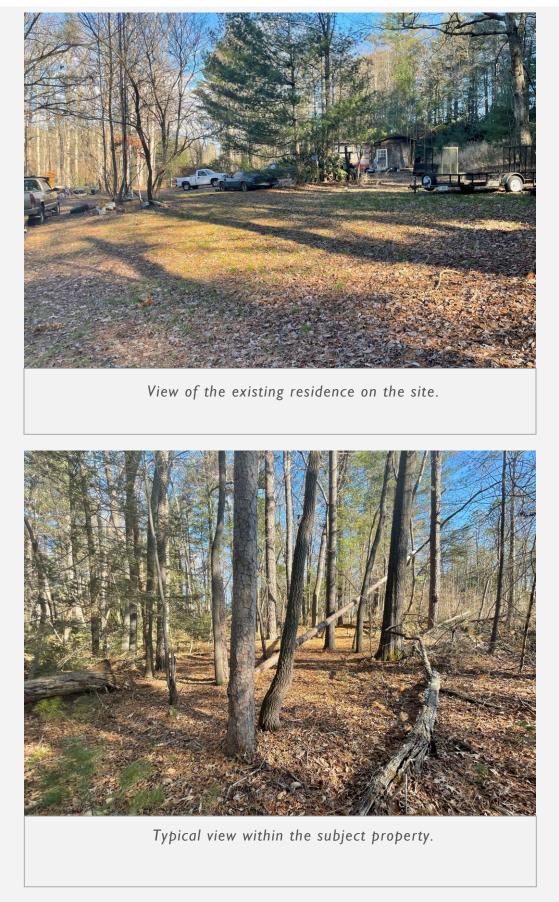
#### City of Hendersonville Current Zoning & Land Use Map

The subject property is zoned R-15 medium density residential and is a part of the single-family neighborhoods within the immediate area. The property fronts on Waddell Drive which is maintained by NCDOT. The property has a privately maintained drive within its boundaries which is named Chabb Wood Acres Lane.

To the south along Sugarloaf Road, you will find a mix of commercial districts and uses. Fire Station 2 is approximately 600 feet from the subject property as the crow flies. Sugarloaf Road also serves as one of the City's main hotel corridors and has several large mini warehouse operations within a close proximity.

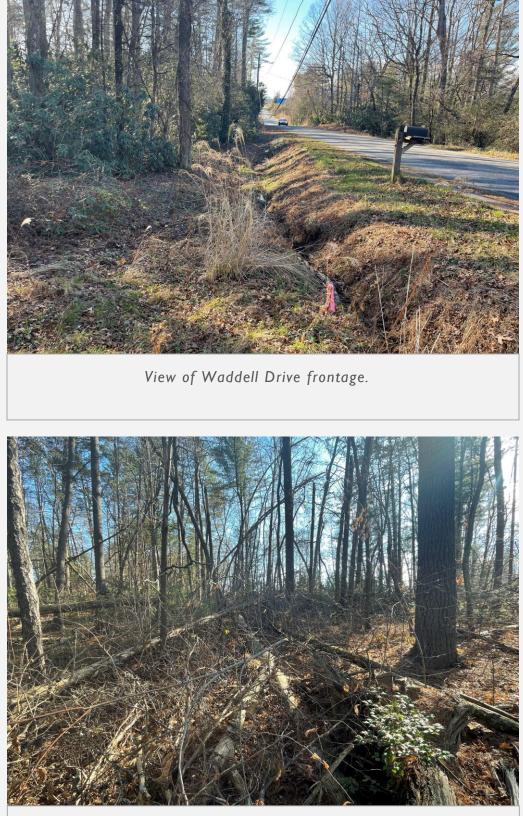
The City's only conforming manufactured home development (Claywood) is directly to the south of the subject property. The site is also adjacent to two Housing Assistance Corporation Developments to the east. These developments include Sugarloaf Apartments and Sugar Hill Apartments.

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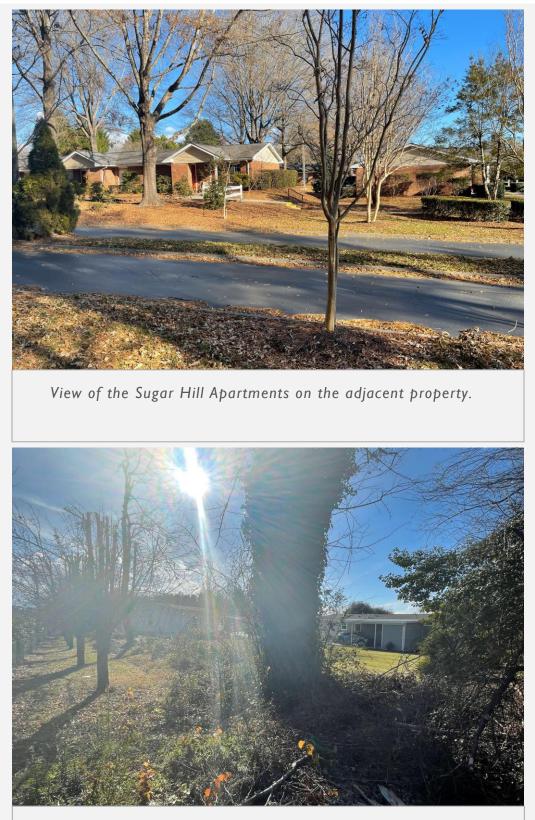
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artment



A large number of mature trees have fallen on the site, presumably during Hurricane Helene.

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View of adjacent manufactured home park to the south (Claystone)

10 artme

#### • Units

- 29 Detached Single-Family Homes
- Proposed Maximum Height-35'

#### • Proposed Use:

 R-15, Medium Density Residential Minor Planned Residential Development (R-15, Minor PRD)

#### • Acres/Density

- o 9.39 Acres
- Proposed density-3.09 units per acre or 29 units.
- $\circ~$  Allowed density- 3.75 units an acre or 35 units.

#### • Natural Resource

- The property has a natural slope of less than 15.1% which does not trigger any additional steep slop requirements.
- The site does not have any streams that run through it.
- The site does not have any associated floodplains.

#### • Streets

• All internal streets to the site will be built to public street standards and dedicated to the City for maintenance.

#### • 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 will be providing 2 parking spaces for all units.

#### • Sidewalks

- The development shows sidewalks along all internal streets and provides sidewalks on the Waddell Drive property frontage.
- Sidewalks are provided to and around the mail kiosk.

#### • **Public Utilities**

- The site will be served by City of Hendersonville Water and Sewer.
- Provision of City Utilities requires that the property be annexed.

#### • Tree Canopy and Landscaping

- The site currently has approximately 382,142 square feet of tree canopy.
- The development is proposing to save 76,823 square feet of that canopy (20.1%)
- The development will be required to offset the removal of existing vegetation by providing 15% of new canopy coverage through tier II plantings. The development is proposing 26% of new canopy coverage in addition to the 20% that is proposed to be preserved.
- The development is also providing the following landscaping:
  - Common Open Space

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- Open Space
- Street Trees

#### OUTSTANDING PRELIMINARY SITE PLAN COMMENTS

#### COMMUNITY DEVELOPMENT

#### Site Plan Comments:

The preliminary site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14), Preliminary Site Plan (7-3-3).

#### 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

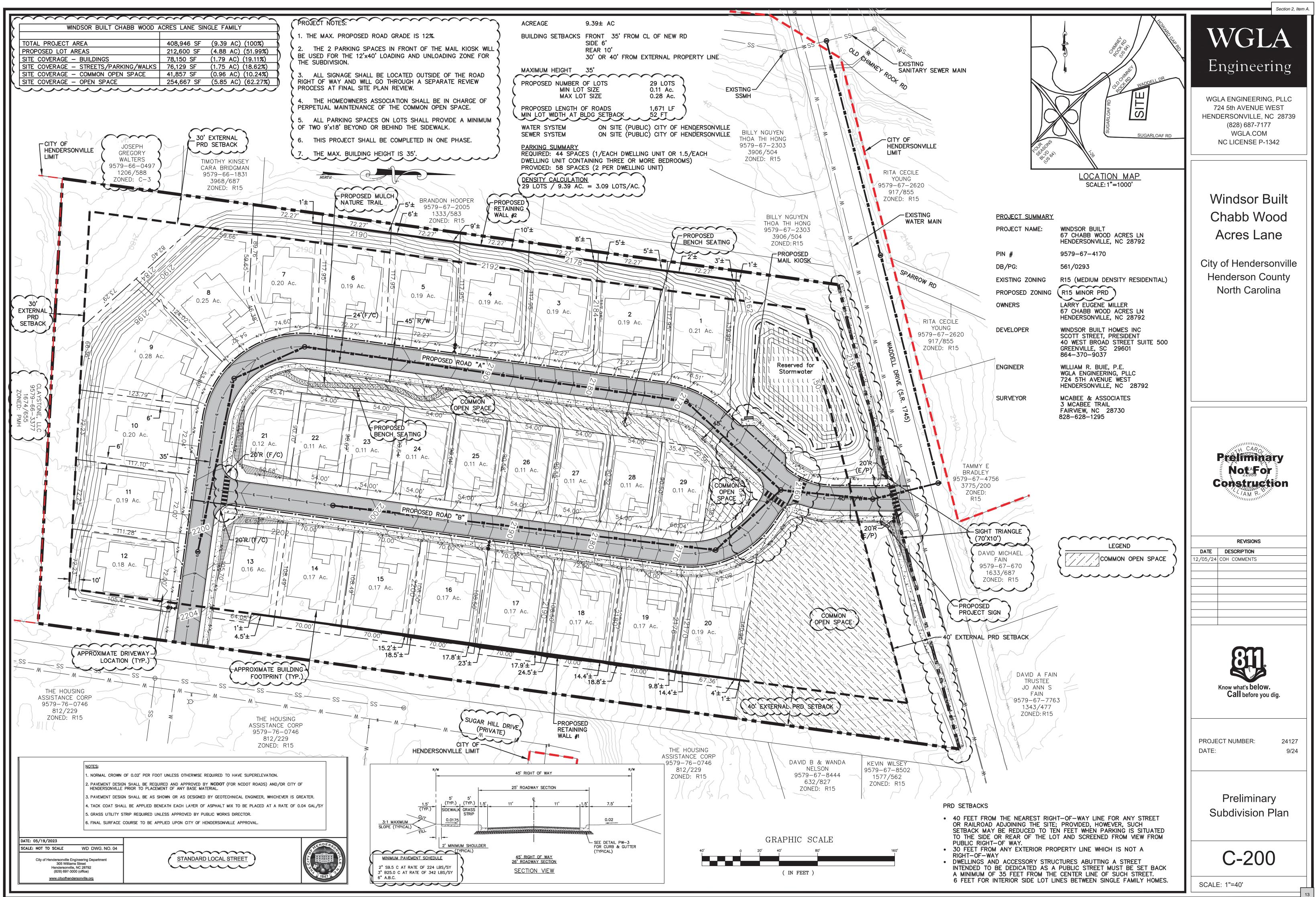
#### TRANSPORTATION CONSULTANT

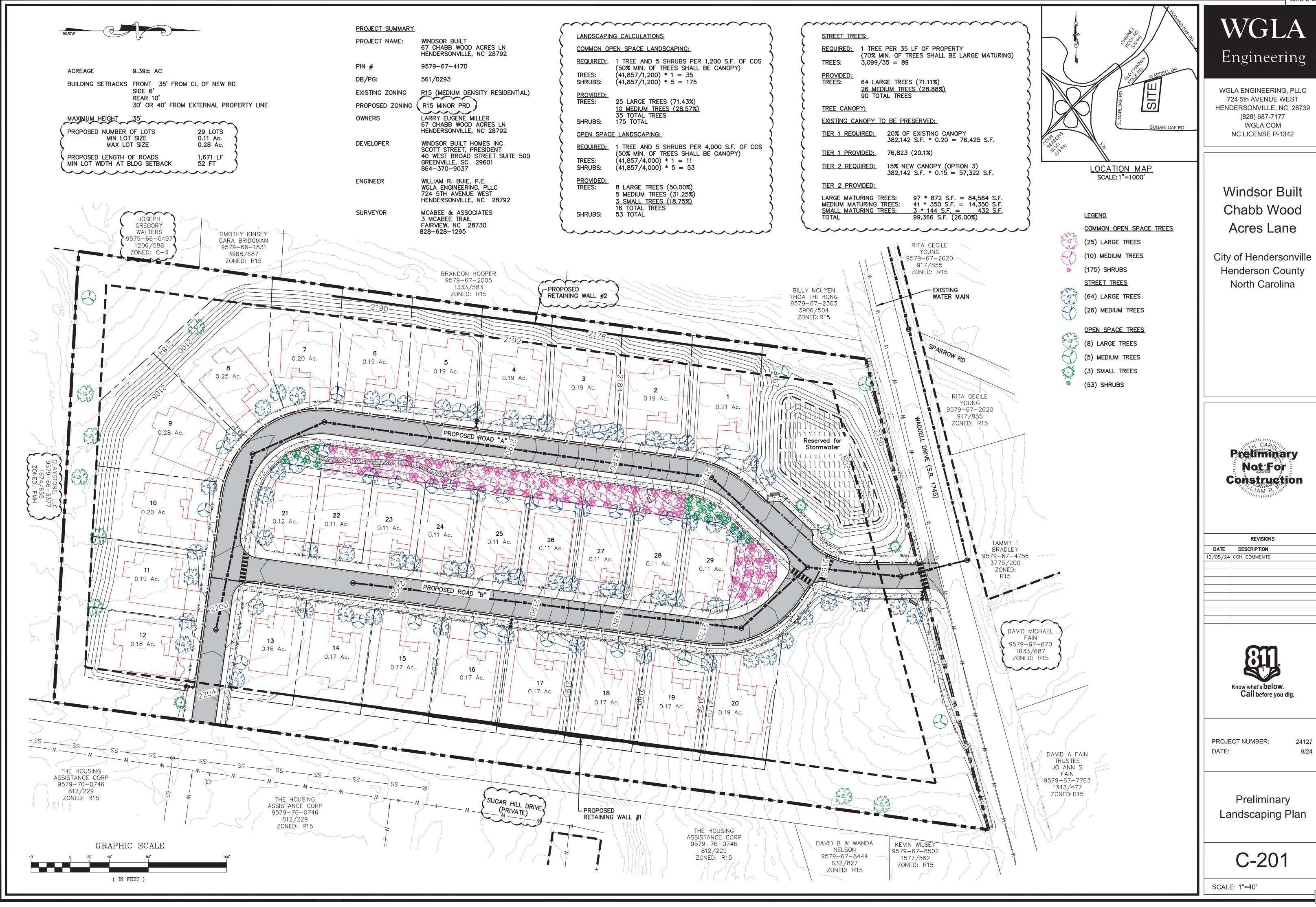
**Preliminary Site Plan Comments:** 

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

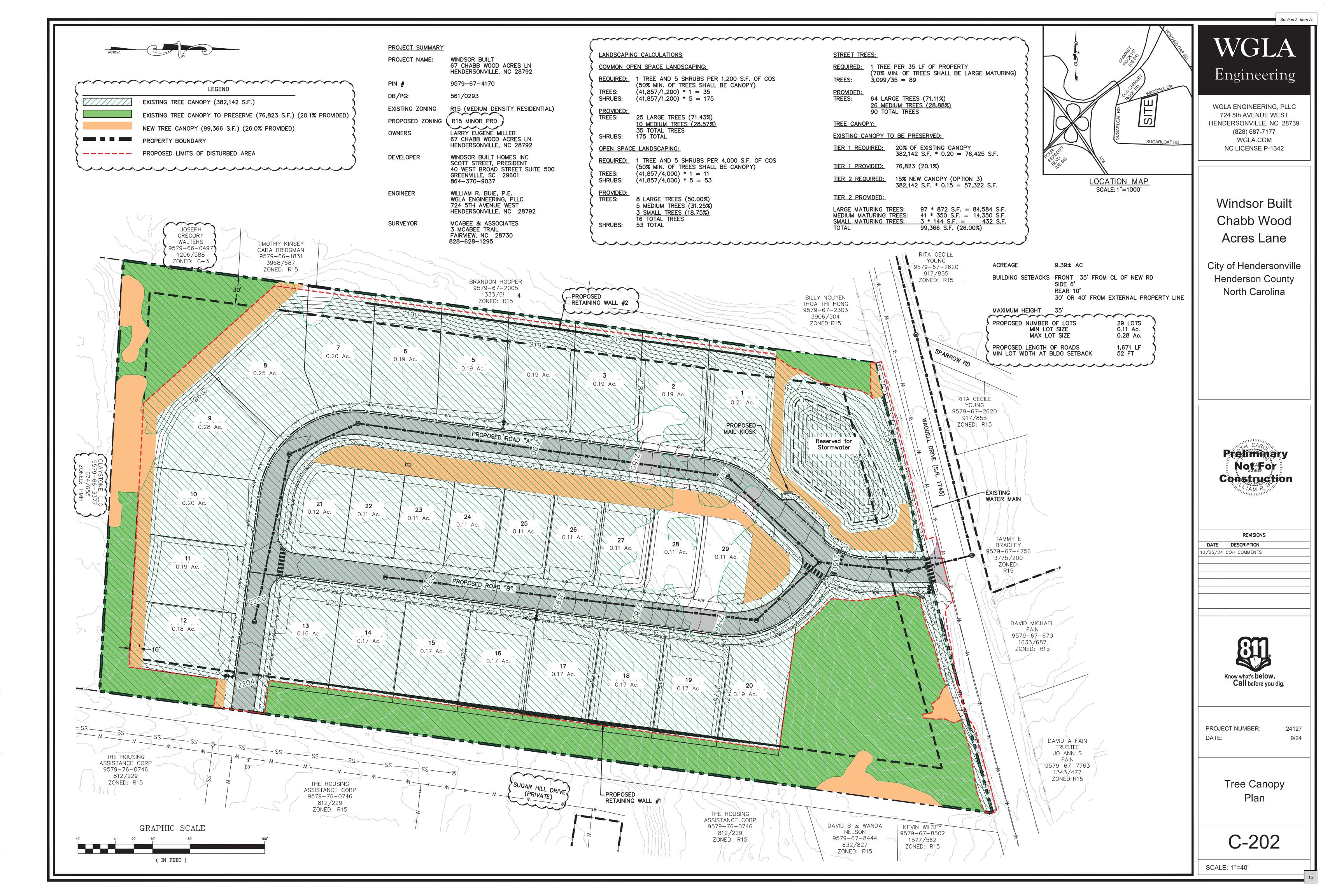
<u>STAFF ANALYSIS</u> Zoning Compliance:

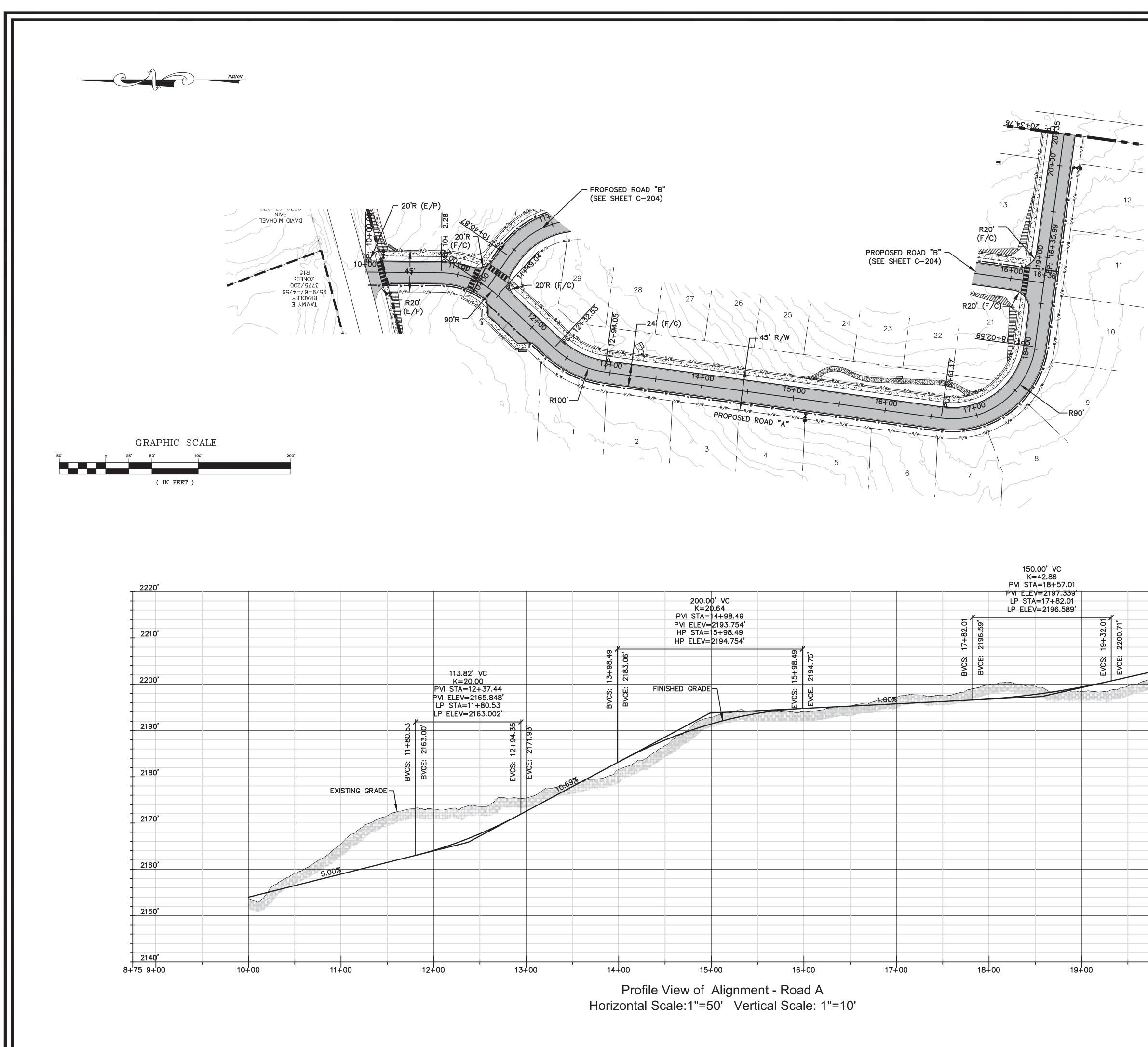
Based on the review by staff, the submitted preliminary site plan for the Chabb Wood Acres Project meets the Zoning Ordinance standards established for Minor Planned Residential Developments (Section 5-14) and Preliminary Site Plan Review (Section 7-3-3.2).



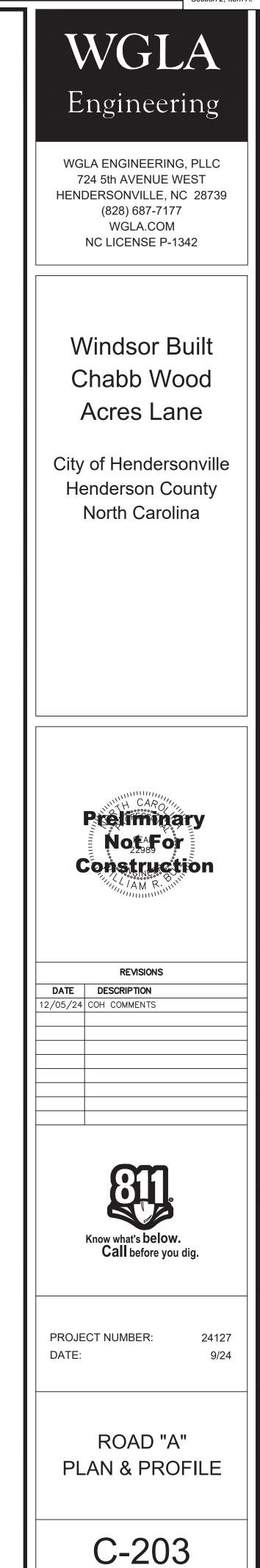


Section 2, Item A.

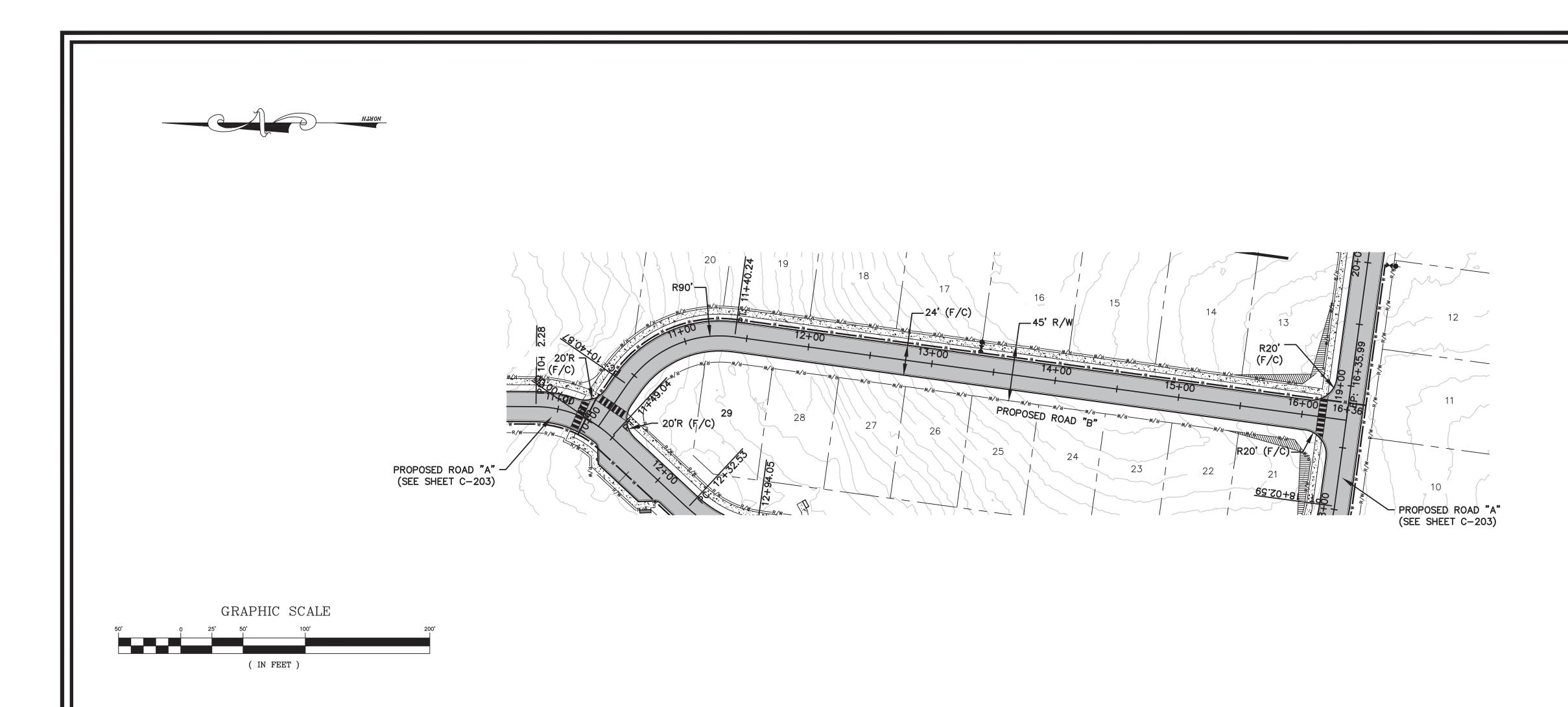




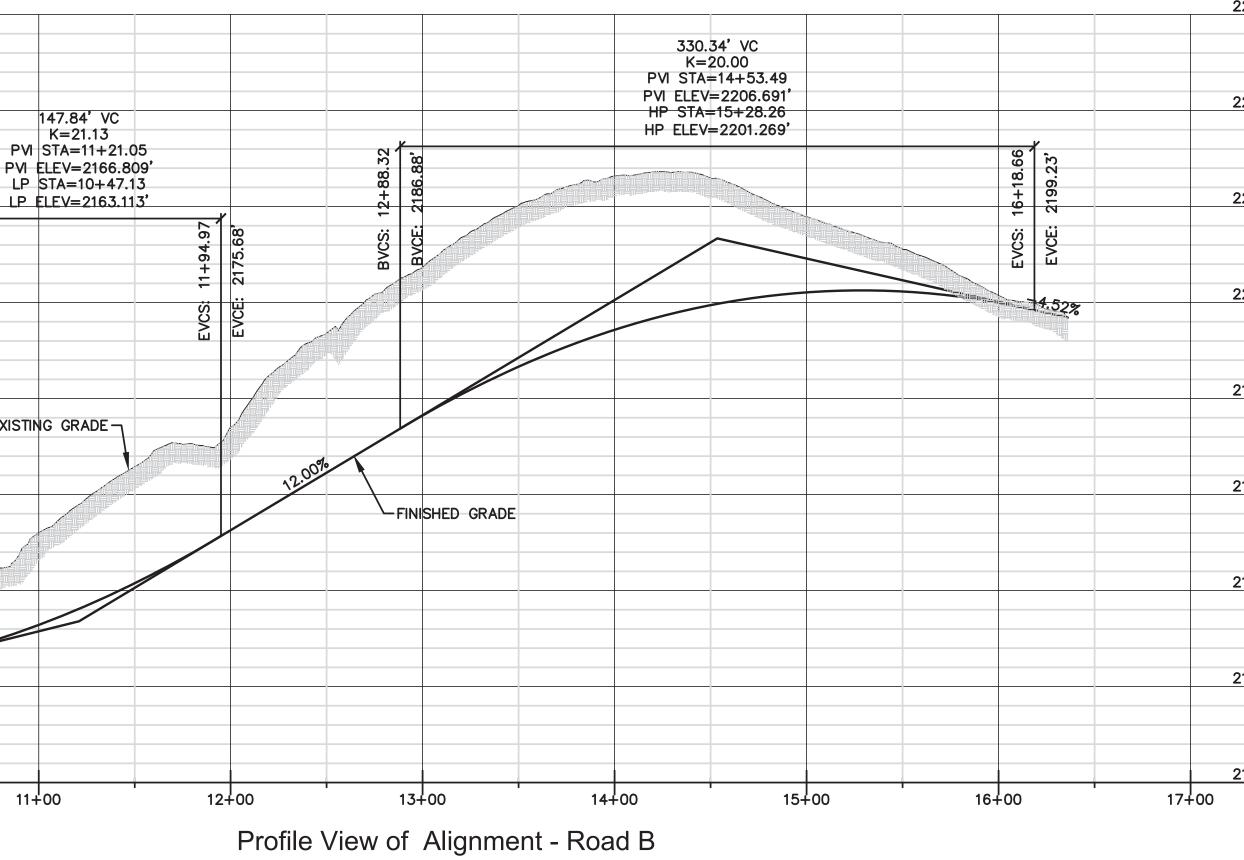
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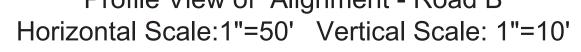


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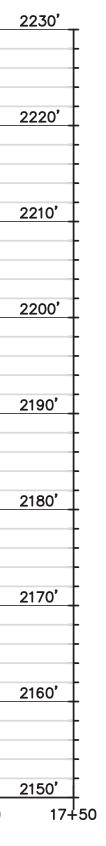


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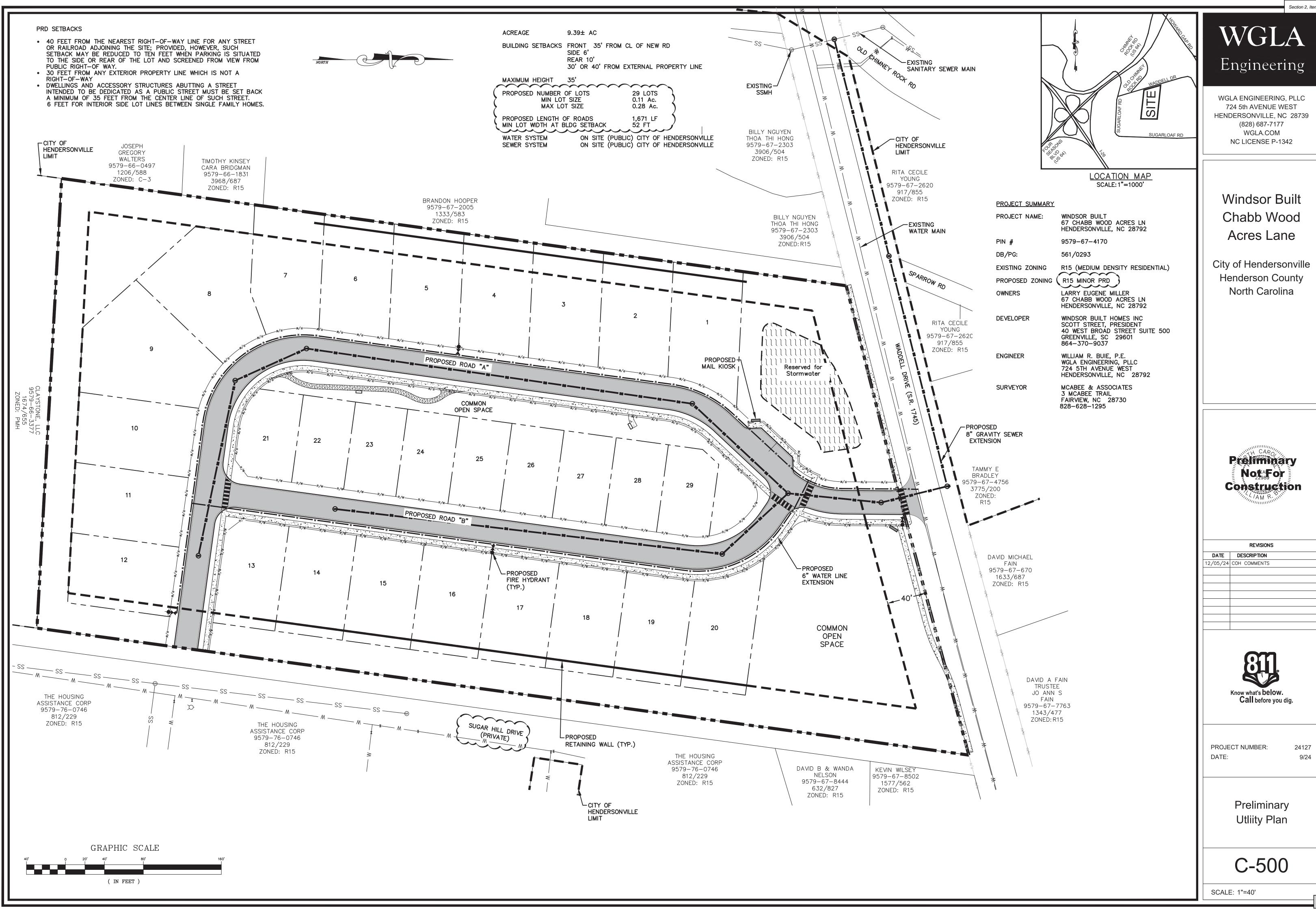


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	ROAD "B" PLAN & PROFILE	
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Section 2, Item A.



CITY OF HENDERSONVILLE COMMUNITY DEVELOPMENT DEPARTMENT 100 N. King St. ~ Hendersonville, NC ~ 28792 Phone (828)697-3010 ~ Fax (828) 697-6185 https://www.hendersonvillenc.gov/



# **APPLICATION FOR SITE PLAN REVIEW**

#### Section 7-3 City Zoning Ordinance

The following are required to constitute a complete application for preliminary site plan review:

- ~ This form including the property owner(s) signature(s).
- ~ Appropriate fee.
- ~ 2 copies and a digital file of the site plan containing items in Section 7.3-3.2 of the City Zoning Ordinance.

Projects proposing any of the following must submit a complete application at least 32 days prior to any Planning Board meeting.

- Any commercial, industrial or institutional development consisting of 20,000 or more square feet of floor area.
- Addition of more than 30 parking spaces.
- Any minor planned residential development consisting of nine or more dwelling units.

The following are required for final site plan review:

- ~ This form including the property owner(s) signature(s)
- ~ 2 copies of the site plan containing items in Section 7-3-4.3 of the City Zoning Ordinance

Date 10/14/24	Type of Plan Review	Preliminary Final
Name of Project Chabb Wood		
Location/Address of Property 89 Ch	abb Wood Acres Lane	
List 10 digit PIN or 7 digit PID number f	or each property 9579-67-	4170
Contact Information Scott Street -	Windsor Built Homes	
Address 40 West Broad Street, S	Suite 500 Greenville, SC 2	29601
Phone 864-430-2995	Fax	Email sstreet@windsorbuilt.com
CHECK TYPE OF DEVELOPMENT	Residential	Commercial Other
Current Zoning R-15		Total Acreage 9.39
Proposed Building Sq.ft.		# of Dwelling Units 29
Official Use: DATERECEIVED:	BY	FEE RECEIVED\$
Site Plan		Г

Section 2,	Item A.

Applicant(s): (Developer)	
Printed Name Scott Street - Windsor Built Homes, Inc.	
Signature	
Title President Email sstreet@windsorb	ouilt.com
Address of Applicant 40 West Broad Street, Suite 500 Greenvil	le, SC 29601
Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
TitleEmail	
Address of Applicant	
Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
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Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
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Address of Applicant	

Section	2,	Item	Α.

Property Owners(s):	
^ Printed Name Larry Eugene Mills	
Corporation Limited Liability Company Trust Partnership Owner	
Ourser	
EmailEmailEmailEndersonville, NC 28792	
^ Printed Name	
Corporation	
Signature	
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Address of Property Owner	
^ Printed Name	
Corporation DLimited Liability Company Trust Partnership Other:	
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Address of Property Owner	

\* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

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# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

#### SUBMITTER: Tyler Morrow

#### **DEPARTMENT:**

**MEETING DATE:** 

Community Development

January 9th, 2025

**TITLE OF ITEM:** Rezoning: Conditional Zoning District – Half Moon Heights Phase II (P24-41-CZD) – *Tyler Morrow*– *Current Planning Manager* 

#### **SUGGESTED MOTION(S):**

#### For Recommending Approval: **For Recommending Denial:** I move Planning Board recommend City Council I move Planning Board recommend City Council **denv** an ordinance amending the official zoning map adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning of the City of Hendersonville changing the zoning designation of the subject (PINs: 9579-98-0375, 9579designation of the subject property (PINs: 9579-98-98-3527, 9579-99-4115, 9579-99-8724) from 0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) Henderson County Residential Two Rural to PRDfrom Henderson County Residential Two Rural to CZD, Planned Residential Development Conditional PRD-CZD, Planned Residential Development Zoning District based on the following: Conditional Zoning District, for the construction of 59 detached single-family units based on the master site 1. The petition is found to be consistent with the City plan and list of conditions submitted by and agreed to of Hendersonville Gen H 2045 Comprehensive by the applicant, [dated 12-30-24] and presented at Plan based on the information from the staff this meeting and subject to the following: analysis and the public hearing, and because: 1. The development shall be consistent with the site The petition is consistent with the Future plan, including the list of applicable conditions Land Use and Conservation Map contained therein, and the following permitted uses Designations of Multi-Generational Living and is located in a focused intensity node Permitted Uses: within chapter 4 of the Gen H 1. Residential Dwellings, Single-Family Comprehensive Plan. [for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & We do not find this petition to be reasonable and in 2. Developer) and not yet represented on the site plan, the public interest based on the information from please use the following language. Disregard #2 if the staff analysis, public hearing and because: not needed] 1. The proposed development does not 2. Permitted uses and applicable conditions presented sufficiently mitigate its impacts on the on the site plan shall be amended to include: delineated wetlands present on the site. 2. The proposed development does not adequately address its anticipated traffic 3. The petition is found to be consistent with the City of impacts on the surrounding area by Hendersonville Gen H 2045 Comprehensive Plan based guaranteeing the installation of a left-turn on the information from the staff analysis and the public lane from Howard Gap Road onto Old hearing, and because: Sunset Hill Road.



# AGENDA SECTION: New Business

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi- Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.		
4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:		
1. The petition proposes to provide additional housing to offset local demand.		
<ol> <li>The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.</li> </ol>		
3. The proposed density is consistent with other nearby developments.		
[DISCUSS & VOTE]	[DISCUSS & VOTE]	

SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre.

The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase I of the Half Moon Heights development to the north. All proposed streets will be built to public street standards

PROJECT/PETITIONER NUMBER:	P24-41-CZD
PETITIONER NAME:	<ul> <li>Tricia Chassen of Forestar USA Real Estate Group, INC [Applicant]</li> <li>Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor [Owner]</li> </ul>
ATTACHMENTS:	1. Staff Report
	2. Comprehensive Plan Review

3. Neighborhood Compatibility Summary
4. Proposed Site Plan / Elevations
5. Kimley Horn Turn Lane Warrant Analysis Memo
6. Proposed Zoning Map
7. Draft Ordinance
8. Application / Owner Signature Addendum

# <u>REZONING: CONDITIONAL REZONING – HALF MOON HEIGHTS PHASE II</u> (P24-41-CZD)

### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) I	5
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT I	۱6



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#### PROJECT SUMMARY

- Project Name & Case #:
  - Halfmoon Heights Phase II
  - o P24-41-CZD
- Applicant & Property Owner:
  - Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant]
  - Gregory and Julianne Albea [Owner]
  - Joseph and Laura Taylor [Owner]
- Property Address:
  - $\circ~$  205 Old Sunset Hill Road
- Project Acreage:
  - 20.66 acres after removing area to be deed to Connor Creek MHP and NCDOT (21.32 total)
- Parcel Identification (PIN):
  - 9579-98-0375
  - o 9579-98-3527
  - o **9579-99-4115**
  - o 9579-99-8724
- Current Parcel Zoning:
  - Henderson County Residential Two Rural
- Future Land Use Designation:
  - o Henderson County- Infill Area
  - City of Hendersonville- Multi-Generational Living
- Requested Zoning:
  - PRD-CZD-Planned Residential Development Conditional Zoning District.
- Requested Uses:
  - Residential, Single Family
- Neighborhood Compatibility Meeting:
  - $\circ$  September 28<sup>th</sup>, 2024



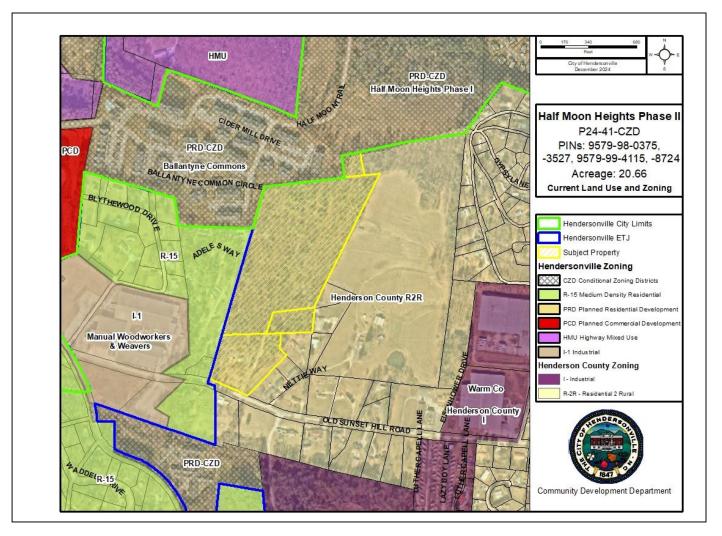
#### SITE VICINITY MAP

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#### EXISTING ZONING & LAND USE

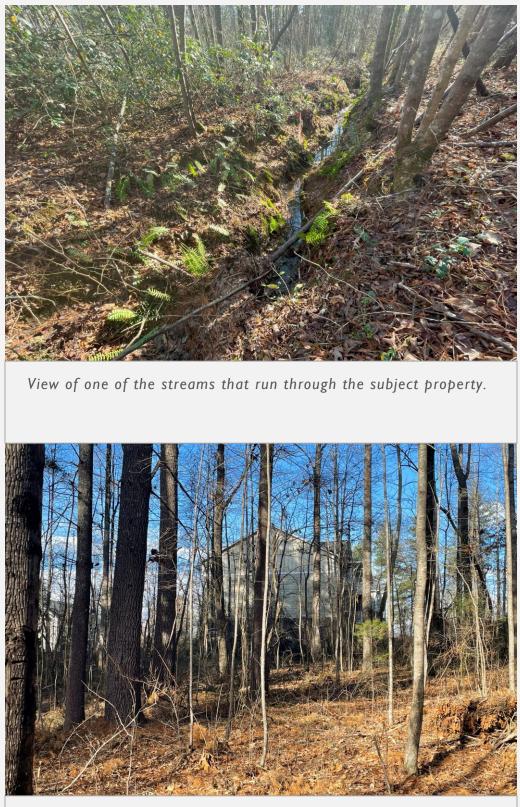


#### City of Hendersonville Current Zoning & Land Use Map

The subject property comprises four parcels currently zoned Henderson County Residential Two Rural. To the north, parcels are zoned Planned Residential Development Conditional Zoning District and include Ballantyne Commons, an apartment community with a density of 12 units per acre, and Half Moon Heights Phase One, a single-family development with a density of 2.67 units per acre. Farther north, single-family home subdivisions (Major PRDs), including Wolf Chase and Wolf Pen, have densities of 2.6 and 2.7 units per acre, respectively.

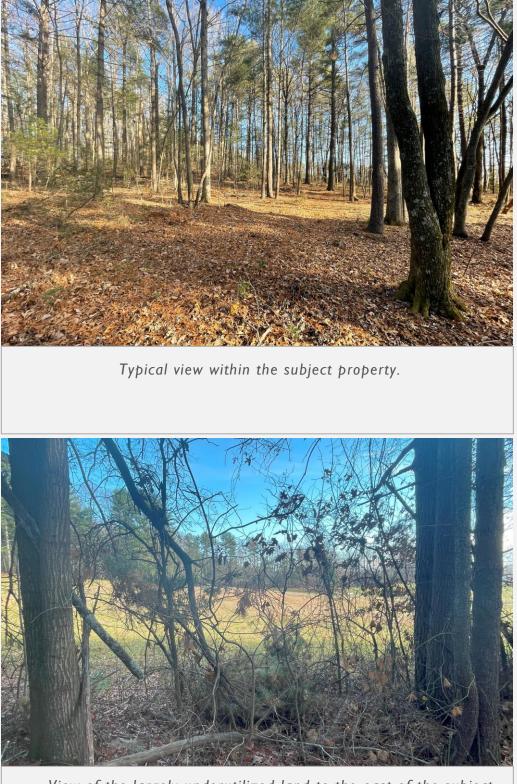
Parcels to the east consist primarily of smaller lots with single-family homes. However, a large, underutilized property directly adjacent to the subject property has redevelopment potential in the future.

To the west, the Connor Creek Mobile Home Park occupies the neighboring parcel. This park contains 94 mobile/manufactured home units, with a density of 12 units per acre. According to the survey provided by the applicant, some mobile homes in Connor Creek encroach on the subject property. To address this, the developer proposes deeding land to Connor Creek, thereby resolving the encroachments and bringing those units into conformity.



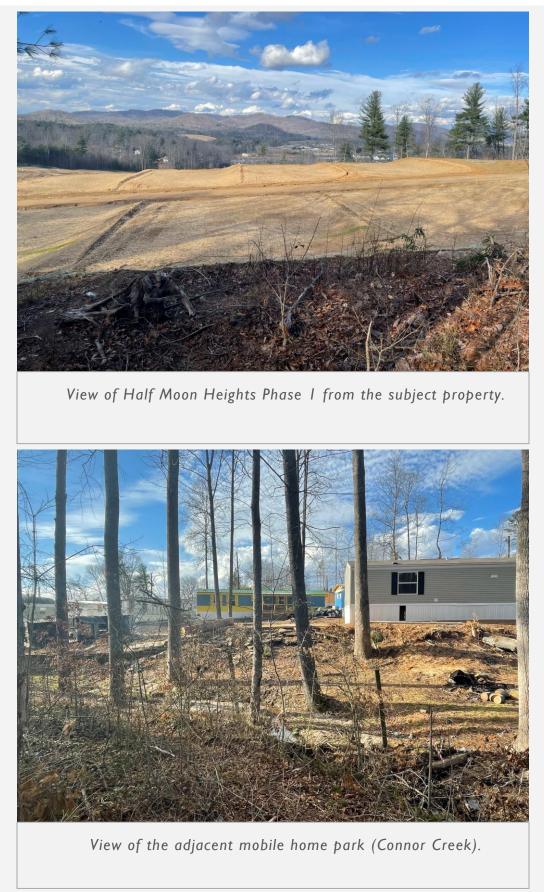
View from the subject property to the adjacent apartment development (Ballentyne Commons)

 $P_{age}4$ 

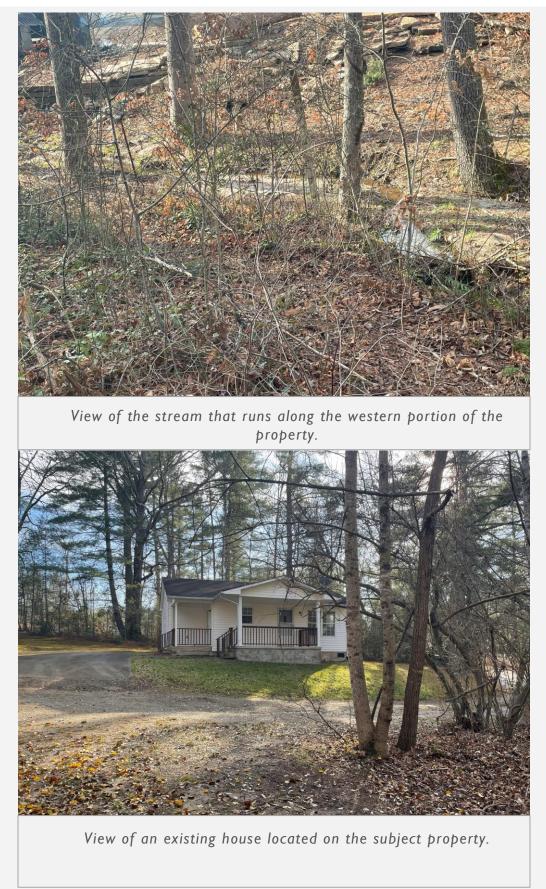


View of the largely underutilized land to the east of the subject property.

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Page 6

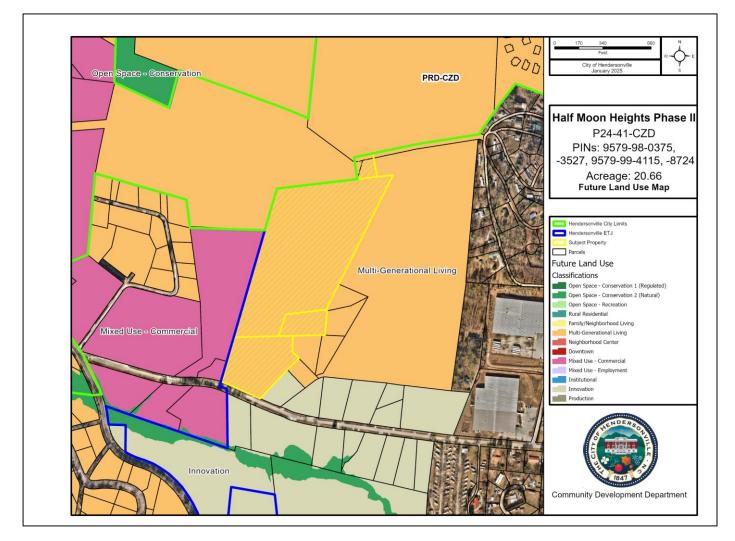


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31 artment







City of Hendersonville Future Land Use Ma

The subject property is designated as Multi-Generational Living. These parcels and all other surrounding parcels included in existing Planned Residential Developments have this designation. Parcels to the west are designated as Mixed-Use Commercial and these parcels include the Connor Creek Mobile Home Park as well as the Manual Woodworkers & Weavers. The large, underdeveloped parcel to the east is designated as Multi-Generational Living. Parcels to the south along Old Sunset Hill Road are designated as innovation and Open Space Conservation.

#### PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - Residential, Single Family
- Building:
  - o 59 Detached Single Family Units
  - o Building Coverage: 151,325 SF
  - o 2.86 Units Per Acre.
- Site Coverage
  - Streets and Parking: 130,991 SF
  - Open Space: 617,668 SF
  - Common Open Space: 93,552 SF
  - Proposed Lots: 470,313 SF
- Transportation:
  - The site will have two access points.
    - Access I (northern access) will be a continuation of a street stub out that was provided during phase I of Half Moon Heights.
    - Access 2 (southern access) is shown as a full movement access from Old Sunset Hill Road. A left-hand turn lane on Old Sunset Hill Road into the site will be provided.
- Sidewalks
  - A sidewalk will be provided on one side of all new internal streets and along the existing road frontage of Old Sunset Hill Road.
  - The sidewalks on the northern side of the property will tie into the sidewalk network for Half Moon Heights phase 1.
- Parking:
  - Parking required at I per each dwelling unit or 1.5 per each dwelling unit containing three or more bedrooms:
    - Parking provided: 2 spaces per dwelling unit (I garage space and I driveway space).
    - 2 parallel spaces will be provided at the mail kiosk.
- Natural Resources
  - According to the 2008 FEMA floodplain maps, the entire property is outside of the floodplain.
  - The site does have several blueline streams where a stream buffer and transitional area are required. The proposed development shows the 30' stream buffer and 20' transitional zone on the site plan.
  - The site also contains delineated wetlands. Stormwater Administrator Mike Huffman proposed a condition to better protect the wetlands but it was not agreed to by the developer. The City's zoning ordinance does not currently

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protect wetlands the same way that it does streams. Wetlands and their protection were a large topic of discussion during the Neighborhood Compatibility Meeting. Mr. Huffman's proposed condition was intended to further protect and monitor the wetlands.

- Landscaping and Tree preservation
  - The site will be required to provide the following landscaping:
    - Common and Open Space plantings
    - Street trees
    - Tier II Plantings
- The developer plans to preserve 3.9 acres of the existing tree canopy, equating to 20% of the total tree canopy on the site. Additionally, they propose preserving an extra 7.1% (1.38 acres) to partially fulfill the Tier II planting requirements. Under the zoning ordinances "Option 2" classification, the project will also be required to install an additional 7% of new tree canopy to fully meet the Tier II requirements.

#### **DEVELOPER-PROPOSED CONDITIONS:**

- Proposed left turn lane on Howard Gap Road (SR-1006) onto Old Sunset Hill Road (SR-1744) will be constructed per the City's request if feasible within the existing right of way and if found necessary and/or acceptable by NCDOT. <u>(This is a developer counter to the City proposed condition provided</u> <u>below in the report.</u>)
- 2. The Developer proposes a lot side setback of 5.5'
- 3. The developer intends to achieve canopy installation requirements by using required street trees, common open space trees, and open space trees. In the event that this is not achievable, the developer will achieve the requirements of the remining tier two canopy by paying a fee in lieu of.

#### **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 Residential Developments (5-14) (minus any developer proposed conditions).
  - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:
    - Landscaping:
      - Final determination on planting credits, species, locations, final quantity of required vs. proposed new plantings. The current plans show "areas to be screened, fenced, walled and/or landscaped" which is what is required at the preliminary site plan stage.

- All final landscaping comments will be addressed as part of the final site plan approval between City staff and the project designer in accordance with the City's ordinances.
- Stream buffers:
  - There appears to be grading work within the stream buffer areas. This is not allowed by the zoning ordinance. This will need to be corrected during the final grading plan if approved by the City Council.

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

o None

#### **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:

#### Stormwater/Natural Resource (Mike Huffman)

#### Site Plan Comments:

• Made general comments concerning the protection of the wetlands and ways to limit the impacts to the wetlands.

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

- Wetland Delineation and Buffer Establishment.
  - Prior to any land disturbance, a professional wetland delineation study shall be conducted to define the exact boundaries of all wetlands on the site.
  - A buffer zone of no less than 30 feet shall be established around all delineated wetlands, where no construction, grading, or vegetation removal may occur, except for restoration or approved mitigation activities.
- Mitigation for Unavoidable Impacts:
  - If any impact to wetlands is deemed unavoidable, the applicant must obtain the necessary permits from the U.S. Army Corps of Engineers or other relevant agencies and provide appropriate mitigation. This mitigation must include wetland creation, enhancement, or preservation at a ratio compliant with applicable federal, state, and local requirements.
- Monitoring and Reporting:
  - The applicant shall establish a monitoring program to assess the health of the wetland and buffer areas during and after

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development activities for a period of no less than [2 years]. Annual reports documenting compliance with the wetland protection measures shall be submitted to The City of Hendersonville.

- Environmental Education and Site Signage:
  - The applicant must install appropriate signage to identify wetland areas and educate site users about their importance. Signage must be maintained in perpetuity.
- This condition ensures that development proceeds in a manner that minimizes or mitigates impacts on wetlands and associated ecosystems, protecting these resources for their ecological, aesthetic, and functional value. This condition was not agreed to by the Developer.

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

#### **TIA Comments:**

- The expected Trip Generation for the proposed phase II development is as follows:
  - I55 Detached Single-Family Homes (Phase I and II combined)
  - 1,510 Daily Trips
  - III AM Peak Hour Trips
  - I50 PM Peak Hour Trips

#### Intersections Studied:

- $\circ$  US 64 Southbound and Howard Gap Road
- US 64 Northbound and Howard Gap Road
- o US 64 Northbound and Ballantyne Commons Circle
- US 64 and Half Moon Trial
- Howard Gap Road and Old Sunset Hill Road
- Sugarloaf Road and Old Sunset Hill Road
- Howard Gap Road and Sugarloaf Road
- Old Sunset Hill Road and Access A

#### **TIA's Proposed Mitigation:**

- Old Sunset Hill Road and Access A
  - Construct an eastbound left turn lane on Old Sunset Hill Road at Access A with 50 feet of storage and appropriate taper.
- US 64 SB & Howard Gap Road
  - No mitigation based on LOS
- US 64 & Half Moon Trail

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- No mitigation based on LOS
- Howard Gap Road & Old Sunset Hill Road
  - No mitigation based on LOS.

#### **Proposed Condition:**

 "Developer shall install a left-turn movement from Howard Gap Road onto Old Sunset Hill Road. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement." This condition was not agreed to by the Developer.

Jonathan Guy, the City traffic consultant states "It is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs. "

Additional information can be found in the Kimley Horn memo provided in the staff agenda packet.

#### REZONING ANALYSIS - GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS			
1) Comprehensive Plan Consistency	<ul> <li>Land Supply, Suitability &amp; Intensity         The subject property is outside the scope of the land suitability and         supply maps and was not evaluated.         The subject property is in a Focused Intensity Node centered at the         intersection of Howard Gap Road and Chimney Rock Road.     </li> <li>Future Land Use &amp; Conservation Map- See Gen H appendix.     </li> <li>Designation: Multi-Generational Living         Character Area Description: Consistent     </li> </ul>		
2) Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –The subject property is located near four other Planned Residential Developments, including three single-family developments and one multi- family development. Additionally, it is in close proximity to Chestnut Ridge, a subdivision under Henderson County's jurisdiction that was platted in 1988 and consists of approximately 118 lots on 62 acres. The 		
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -The subject property is requesting to be annexed into the City. If annexed, the City must apply zoning to the parcels. The owners and developers are requesting that the initial zoning be for the Planned 		
	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 -		
4) Public Interest	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 <u>634</u> detached single family homes. If this project is approved, Hendersonville's recently- approved detached single family homes would total <u>693</u> . 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 the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% AMI.		
5) Public	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and		

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Facilities	police protection and transportation are available to support the
Facilities	proposed amendment
	Howard Gap Road is a NCDOT maintained road, identified in the
	Comprehensive Transportation Plan as a boulevard in need of
	improvements. If approved, the site would be served by City of
	Hendersonville water and sewer services. Water infrastructure is already
	available on Old Sunset Hill Road, while sewer service will be extended
	from the Connor Creek Mobile Home Park to the west.
	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 -
	According to the site plan, approximately 19.50 acres of the 20.66-acre property are currently covered by an existing tree canopy. Of this canopy, the developers propose to retain 3.9 acres, meeting the minimum tree preservation requirement of 20% for projects of this type.
6) Effect on Natural Environment	The site includes blue-line streams identified by Clearwater Environmental and confirmed by the Army Corps of Engineers. These streams will be protected in compliance with the natural resource provisions of the zoning ordinance. Additionally, wetlands were identified on the site; however, unlike streams, the zoning ordinance does not extend specific protections to wetlands. As a result, the wetlands are not being preserved under local regulations. Any disturbance to the wetlands will require compliance with federal and state permitting and review processes.
	Mike Huffman, the City's Floodplain Administrator and Stormwater Division Manager, proposed a city-initiated condition to enhance protections for the wetlands. However, this condition was not accepted by the developers.

#### DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** 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 is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

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 petition proposes to provide additional housing to offset local demand.
- The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.
- The proposed density is consistent with other nearby developments.

#### DRAFT [Rational for Denial]

- The proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.
- The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.

Half Moon Heigh	ts Phase II (P24-41-CZD)		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff N
SUPPLY, SUITABILITY, & INTENSITY			
LAND SUPPLY MAP (Pg. 81, Figure 4.4)			Not listed in the la
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)			Not listed in the lar
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent		
FUTURE LAND USE & CONSERVATION MA	P		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	Multi-Gene	rational Living	
Character Area Description (Pg. 122-131)	Somewhat Consistent		Consistent "It is com hom mixing detached an townhomes and du a lesser amount of multi are similar t FNL, but with incre Inconsistent ", should elements reflecting tra homes and "mi housing, such as balconies, stoop detached garages, a
	Comewhat Consistent	Inconsistant	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent	

#### f Notes

e land supply map.

land suitability map.

- omprised of a variety of omes,
- d and attached (e.g.,
- duplexes) units with
- ulti-family units...Lot sizes
- ar to those in
- creased densities."

uld incorporate design traditional single-family 'missing middle" as front porches, pops, recessed or

s, and pitched roofs.

Half Moon Heights Phase II (P24-41-CZD)				
Chapter 4 - The Vision for the Future	Consistent	Inconsistent		
GOALS				
<u>Vibrant Neighborhoods (Pg. 93)</u>				
Promote lively neighborhoods that increase local safety.	Consistent			
Enable well-maintained homes, streets, and public spaces.	Consistent			
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent			
The design allows people to connect to nearby destinations, amenities, and services.	Consistent			
Abundant Housing Choices (Pg. 93)				
Housing provided meets the need of current and future residents.	Consistent			
			No inform	
			any units v	
Range of housing types provided to help maintain affordability in Hendersonville.		Inconsistent		
Housing condition/quality exceeds minimum standards citywide	Consistent			
Healthy and Accessible Natural Environment (Pg. 94)				
Recreational (active and passive) open spaces are incorporated into the development.	Consistent			
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Consistent			
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality,				
stormwater management, and microclimate) is maintained.	Consistent			
			Additiona	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Somewhat Consistent		intrusion	
			The develo	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent		ordinand	
Authentic Community Character (Pg. 94)				
Downtown remains the heart of the community and the focal point of civic activity	N/A			
A development near a gateway sets the tone, presenting the image/brand of the community.	N/A			
Historic preservation is utilized to maintain the city's identity.	N/A			
City Centers and neighborhoods are preserved through quality development.	N/A			
Safe Streets and Trails (Pg. 95)				
			The conne	
			Half Moo	
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including	<u>ð</u>		Old Sunse	
retrofits and interconnectivity of new developments.	Consistent		happened	

#### Staff Notes

rmation has been provided to staff that s would be considered affordable (80% or lower AMI).

onal actions could be taken to limit the on into the delineated wetlands on site.

elopment is meeting the tree protection ance and stream buffer requirements.

nection between this development and oon Heights Phase I connects US 64 to set Hill Road. This interconnectivity has ned fairly rapidly as property develops.

Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit,				
automobile, ride share, and bike share.	Consistent			
Design embraces the principles of walkable development.	Consistent			
Reliable & Accessible Utility Services				
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent			
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible				
service delivery.	Consistent			
Satisfying Work Opportunities (pg. 96)				
The development promotes quality job options.	N/A			
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	N/A			
Welcoming & Inclusive Community				
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A			
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps				
residents develop a sense of place and attachment to Hendersonville.	N/A			
Accessible & Available Community Uses and Services (Pg. 97)				
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A		
Resilient Community				
N/A				
GUIDING PRINCIPALS (pg. 98)				
Mix of Uses (Pg. 98)				
Revitalization of Outdated Commercial Areas	N/A			
New business and office space promotes creative hubs.	N/A			
Compact Development (Pg. 100)				
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent			
The infill project is context sensitive [Large Infill Site].	Consistent			
Sense of Place (Pg. 102)				
			This proje	
			design gu	
The development contributes to Hendersonville's character and the creation of a sense of place through its			ba	
architecture and landscape elements. [Place keeping and Placemaking and 3rd Places]	Somewhat Consistent			
Conserved & Integrated Open Spaces (Pg. 106)				
A diverse range of open space elements are incorporated into the development.	Consistent			
Desirable & Affordable Housing (Pg. 108)				
			To promot	
			neighborh	
			include	
			archite	
Missing middle housing concepts are used in the development.	Somewhat Consistent			
Connectivity (Pg. 112)				

ject does not incorporate single family guidelines provided in the Gen H plan such as front porches, balconies, stoops, recessed or detached garages

note missing middle housing in existing orhoods, some general considerations ide ensuring that new home building nitecture is compatible with existing adjacent homes

The development encourages multimodal design solutions to enhance mobility.	Consistent		Further con subdivisio connection Moon Phase
Efficient & Accessible Infrastructure (Pg. 114)			
The development utilizes existing infrastructure		Inconsistent	The proje build

onnectivity will be required through the sion review process, if approved. The on between Half Moon Phase I and Half ase II is already providing very valuable interconnectivity.

roject will be extending utilities and ildings new roads to support the development.

#### City and County Comprehensive Plan Analysis





Example of a "Multi-Generational Living" development presented in the Gen H Comprehensive Plan

Example of "Infill Area" development presented in the Henderson County 2045 Comprehensive Plan

Henderson County 2045 Comprehensive Plan Future Land Use Designation: Infill Area.

The City of Hendersonville's Gen H Plan Future Land Use Designation: **Multi-Generational** Living.

- a. The Henderson County 2045 Comprehensive Plan encourages a mix of housing types including single family detached residential.
- b. The City of Hendersonville's Gen H Comprehensive Plan encourages a mix of housing types including single family detached residential.
- c. The Henderson County 2045 Comprehensive Plan calls out a maximum allowable density range of four to eight units per acre.
- d. The City of Hendersonville's Gen H Comprehensive Plan does not specify specific densities, but the proposed density aligns with the vision portrayed. The development could likely be denser with attached single family residential.
- e. The Henderson County 2045 Comprehensive Plan calls out infill areas to be served by utilities. Note: There is an inherent conflict for nearly all areas designated as "infill areas" because they fall outside the Utility Service Area (USA) in the County's comprehensive plan. This is true for these parcels. The future land use designation calls for these areas to be served by utilities, but the Utility Service Area does not reflect this.

- f. The City of Hendersonville's Gen H Comprehensive Plan notes "Improving the framework for providing water and sewer service is crucial to efficiency and quality of service to residents"
- g. The Henderson County 2045 Comprehensive Plan states infill areas should have an improved transportation network and accommodate a variety of home options.
- h. The City of Hendersonville's Gen H Comprehensive Plan states "In bustling urban landscapes, the need for improved interconnectivity of streets has become paramount. Creating an interconnected street network isn't just about convenience; it's about relieving congestion, reducing travel times, and enhancing the provision of essential services. By weaving together a seamless web of roads and pathways, smoother traffic flows can be unlocked, commute durations shortened, and quicker access to vital amenities ensured."

Section 2, Item B.



#### <u>NEIGHBORHOOD COMPATIBILITY MEETING KEI OKT</u> <u>HALF MOON HEIGHTS PHASE II (P24-41-CZD)</u> <u>NCM MEETING DATES: SEPTEMBER 18, 2024</u>

PETITION REQUEST: Rezoning: Planned Residential Development- Conditional Zoning District (PRD-CZD)

 APPLICANT/PETITIONER: Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant] & Gregory Albea, Julianne Albea, Joseph Taylor and Laura Taylor [Owners]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on September 18<sup>th</sup>, 2024 at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 37 minutes.

There were 4 members of the public in attendance in-person while 2 attended virtually. The applicant and their development team were present as was 1 member of City staff.

Staff gave the formal introduction and a brief overview of the request.

There were 0 pre-submitted public comments.

The development team was allowed to present their project proposal for the proposed single-family development.

Concerns and questions from the public related to:

- Streams and stream buffer requirements.
- Wetlands and whether any of the homes would impact them.
- Questions concerning the road and its ownership/maintenance.
- Discussion on whether an HOA would be required.
- Whether or not the cul-de-sacs within the development meet current fire code.
- The discussion surrounding the wetlands and the need to keep them off individual lots.
- The idea that the wetlands should be included in the common areas and maintained by the HOA was discussed.
- Tree preservation requirements being met.
- Discussions concerning the review process when a project disturbs wetlands.
- Buffer requirements were discussed.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

DB/PG: ACREAGE OWNER:	4026–272 3.88± AC GREGORY MARTIN ALBEA 430 S MILLS RIVER RD	SITE SUMMARY:
	MILLS RIVER, NC 28759	PROPERTY AREA:
PIN # DB/PG:	9579–98–3527 4026–272	928,695 SF – 21.32 AC
	1.16± AC GREGORY MARTIN ALBEA 430 S MILLS RIVER RD MILLS RIVER, NC 28759	AREAS TO BE DEEDED AWAY: CONNOR CREEK MHP 20,074 SF - 0.46 AC NCDOT (R/W) 8,637 SF - 0.20 AC
PIN # DB/PG:	9579–98–4115 4026–272	TOTAL PROJECT AREA:
ACREAGE	15.78± AC	899,984 SF - 20.66 AC - 100%
OWNER:	GREGORY MARTIN ALBEA 430 S MILLS RIVER RD MILLS RIVER, NC 28759	PROPOSED LOT AREAS: 470,313 SF – 10.80 AC – 52.26%
PIN # DB/PG: ACREAGE	9579-99-8724 3664-522 0.50± AC	SITE COVERAGE – BUILDINGS: 151,325 SF – 3.47 AC – 16.81%
OWNER:	JOSEPH HARLEY TAYLOR LAURA SUZANNE TAYLOR	SITE COVERAGE – OPEN SPACE 617,668 SF – 14.18 AC – 68.63%
	395 OLD SUNSET HILL ROAD HENERSONVILLE, NC 28792	SITE COVERAGE – STREETS AND PARKING 130,991 SF – 3.01 AC – 14.56%
DEVELOPER:	FORESTAR (USA) REAL ESTATE GROUP, INC. 750 EXECUTIVE CENTER DRIVE, SUITE 10 GREENVILLE, SC 29615	SITE COVERAGE – COMMON OPEN SPACE 93,552 SF – 2.15 AC – 10.4%
ENGINEER:	JARED L. DERIDDER, P.E. WGLA ENGINEERING, PLLC 724 5TH AVENUE WEST	DENSITY: 59 UNITS / 20.66 AC 2.86 UNITS / AC
SURVEYOR:	HENDERSONVILLE, NC 28739 ED HOLMES AND ASSOCIATES	EXISTING TREE CANOPY: 19.50 AC (100%)
	LAND SURVEYORS 200 RIDGEFIELD COURT SUITE 208 ASHEVILLE, NC 28806	TIER 1 CANOPY PRESERVATION 3.9 AC (20%)
TOTAL ACREAGE	21.32± AC	TIER 2 CANOPY PRESERVATION (OPTION 2) 1.38 AC (7.1%)
WATER SYSTEM	ON SITE (PUBLIC) CITY OF HENDERSONVILLE	•
SEWER SYSTEM	ON SITE (PUBLIC) CITY OF HENDERSONVILLE	TIER 2 CANOPY INSTALLATION (OPTION 2) 1.37 AC (7.0%)
CURRENT ZONING:	R2R (HENDERSON COUNTY)	AVERAGE NATURAL SLOPE: 12.9%
PROPOSED ZONING:	PRD (CITY OF HENDERSONVILLE) PLANNED RESIDENTIAL DEVELOPMENT	PARKING SPACE CALCULATIONS
PERIMETER SETBACH	(S (PRD)	REQUIRED 2 SPACES PER LOT
BUILDING SETBACKS	40' FROM NEAREST RIGHT-OF-WAY (10' WHEN PARKING IS SITUATED TO THE SIDE OR REAR OF THE BUILDING) 30' FROM EXTERNAL PROPERTY BOUNDARY 5 (INTERNAL)	PROVIDED 59 LOTS = 118 SPACES (1 GARAGE SPACE & 1 DRIVEWAY SPACE OUTSIDE OF R/W PER LOT) 2 PARALLEL SPACES
	FRONT: 35' FROM CL OF ROAD SIDE: 5.5' REAR: 10'	120 SPACES TOTAL

DEVELOPMENT BLOCK

PROJECT NAME:

FORESTAR-OLD SUNSET HILL SUBDIVISION

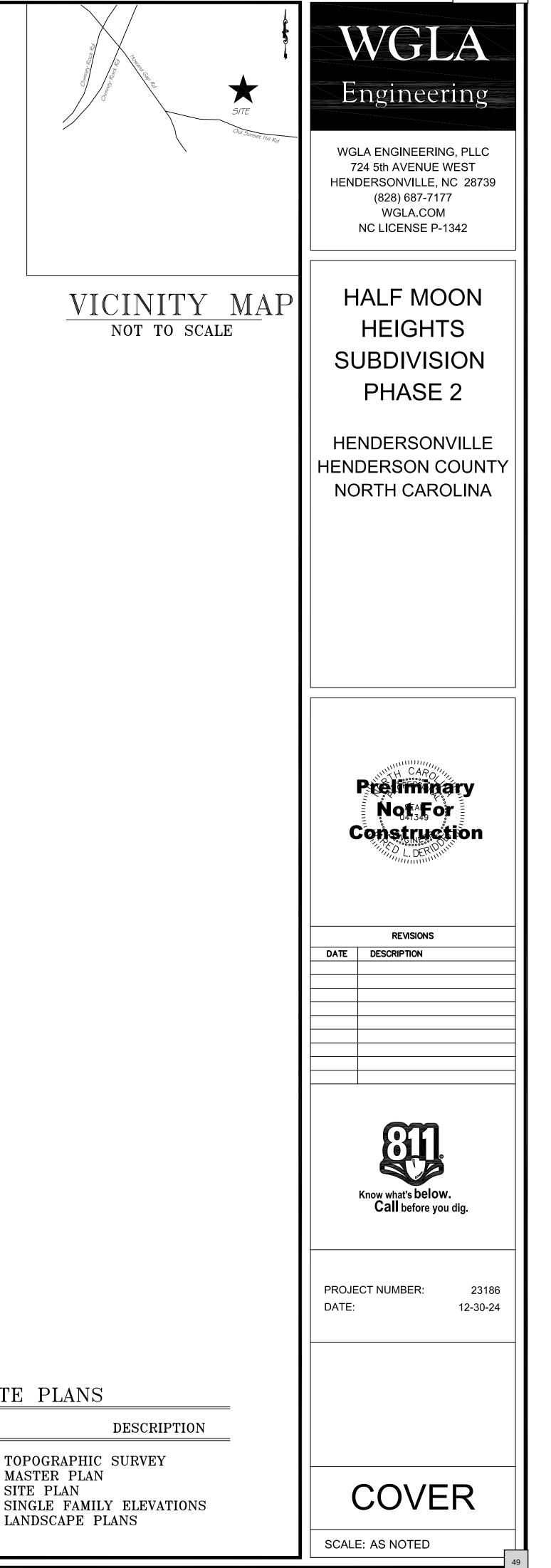
9579-98-0375

# SITE IMPROVEMENTS for HALF MOON HEIGHTS SUBDIVISION - PHASE 2

## CITY OF HENDERSONVILLE HENDERSON COUNTY NORTH CAROLINA

DEVELOPER PROPOSED CONDITIONS	CITY PROPOSED CONDITIONS
1- PROPOSED LEFT TURN-LANE ON HOWARD GAP RD (SR-1006) ONTO OLD SUNSET HILL RD (SR-1744) WILL BE CONSTRUCTED PER THE CITY'S REQUEST IF FEASIBLE WITHIN EXISTING RIGHT-OF-WAY AND IF FOUND NECESSARY AND/OR ACCEPTABLE BY NCDOT.	
2- THE DEVELOPER PROPOSES A LOT SIDE SETBACK OF 5.5'	
3- THE DEVELOPER INTENDS TO ACHIEVE CANOPY INSTALLATION REQUIREMENTS BY USE OF REQUIRED STREET TREES, COMMON OPEN SPACE TREES, AND OPEN SPACE TREES. IN THE EVENT THAT THIS IS NOT ACHIEVABLE, THE DEVELOPER WILL ACHIEVE THE REQUIREMENTS OF THE REMAINING TIER TWO CANOPY BY PAYING FEE-IN-LIEU OF.	

Soction	- 2	ltom	D

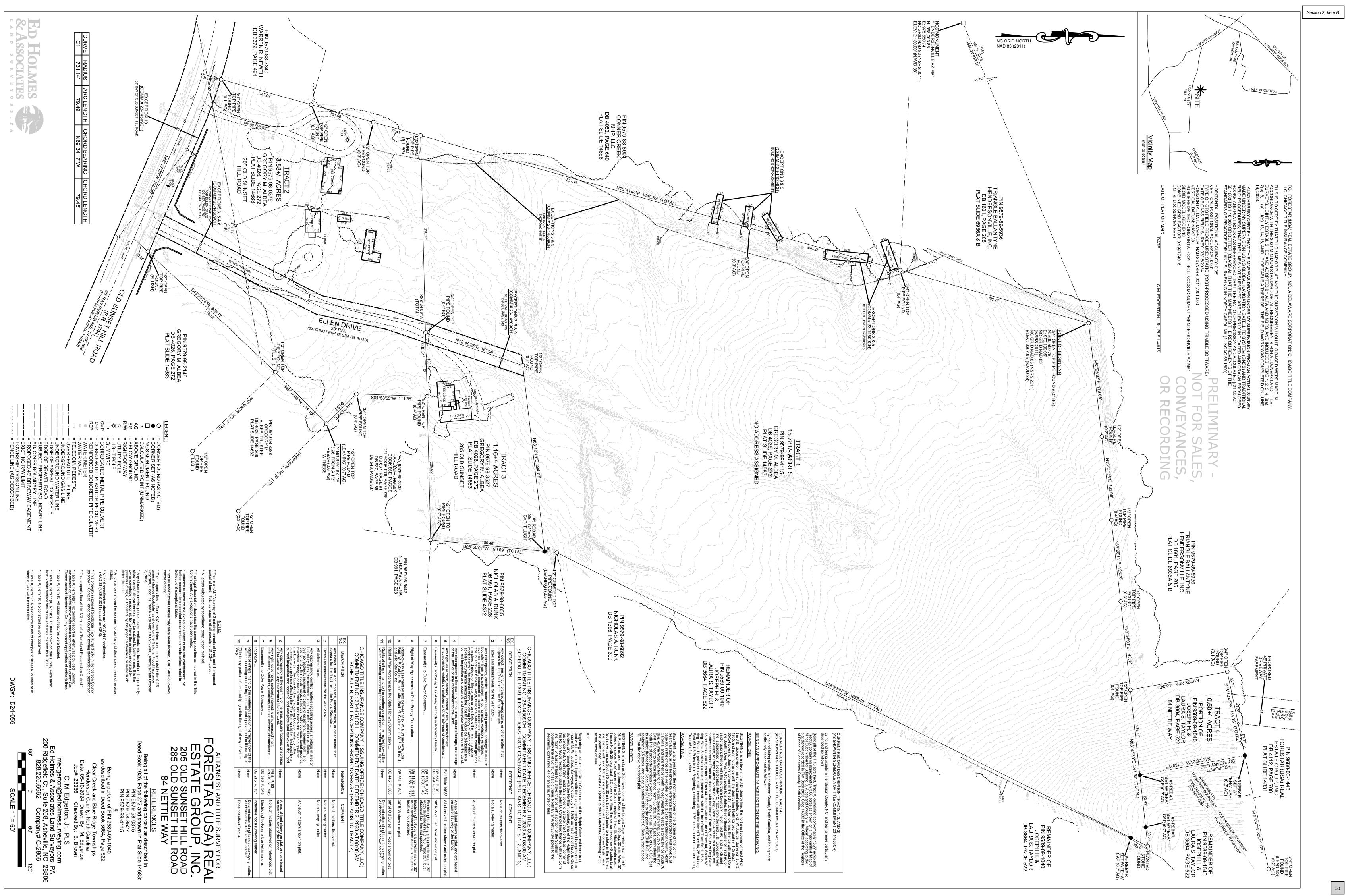


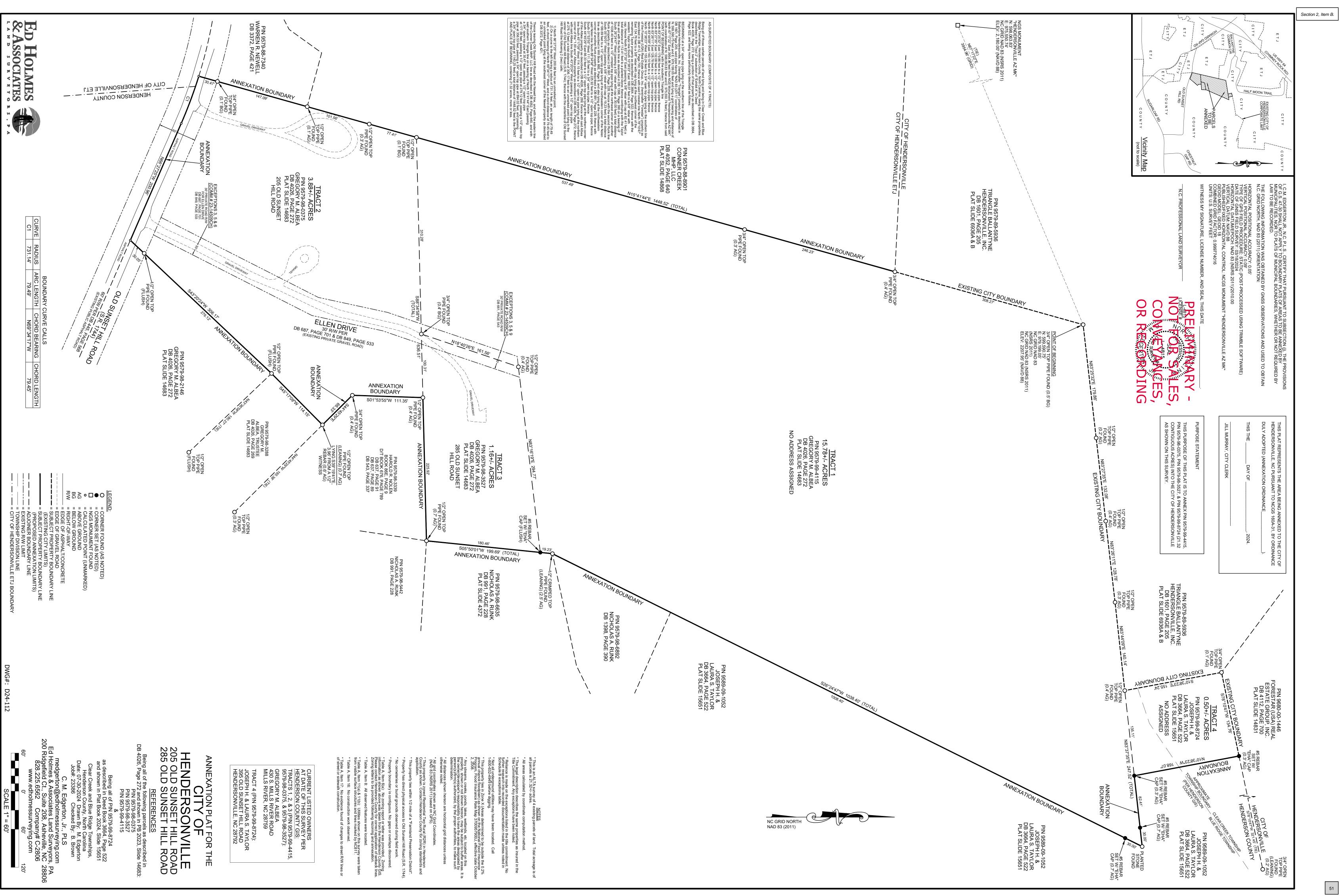
SITE PLANS

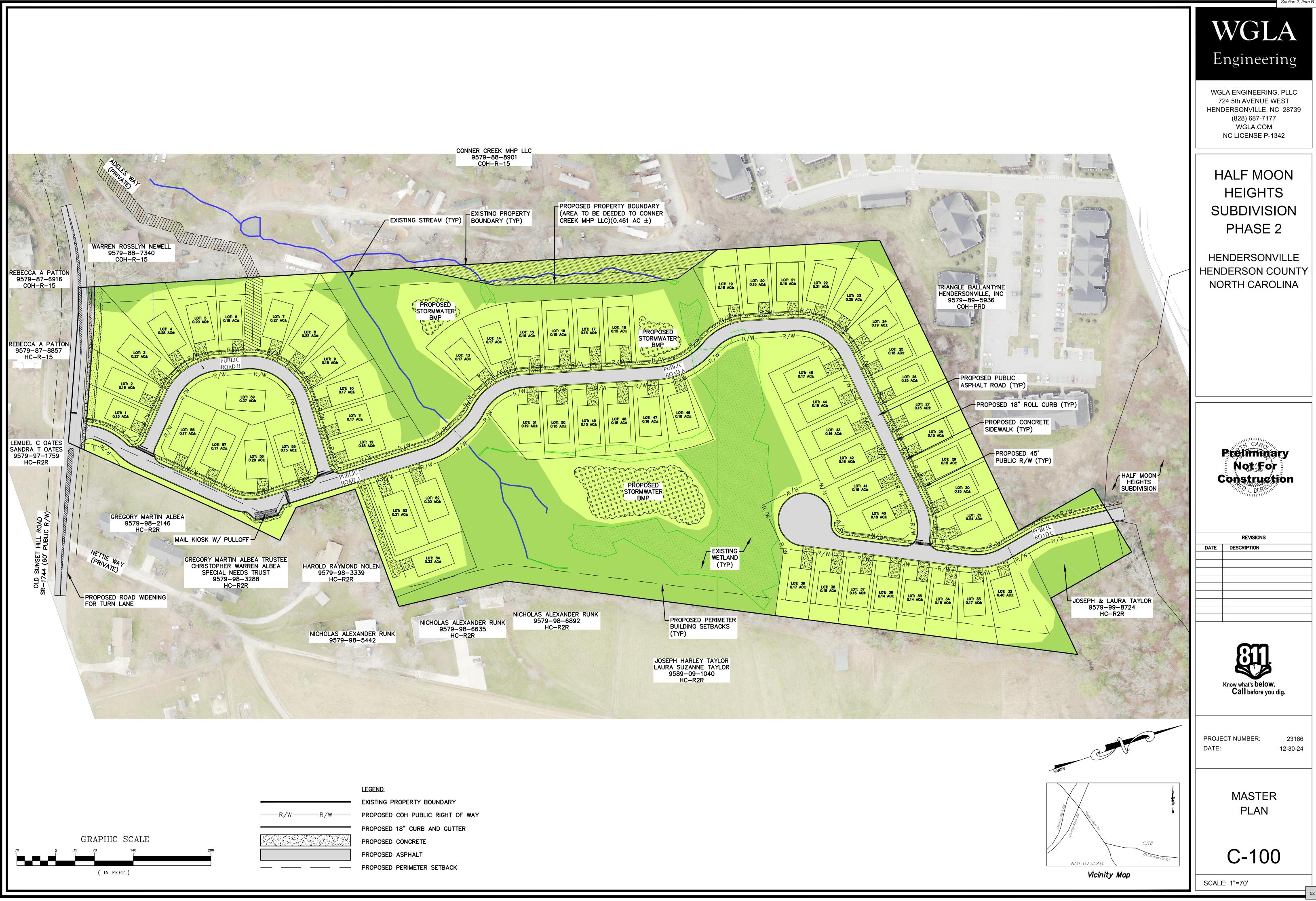
SHEET NO.

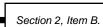
1 - 2C - 100C-200-201 SITE PLAN G-100-101 L-100

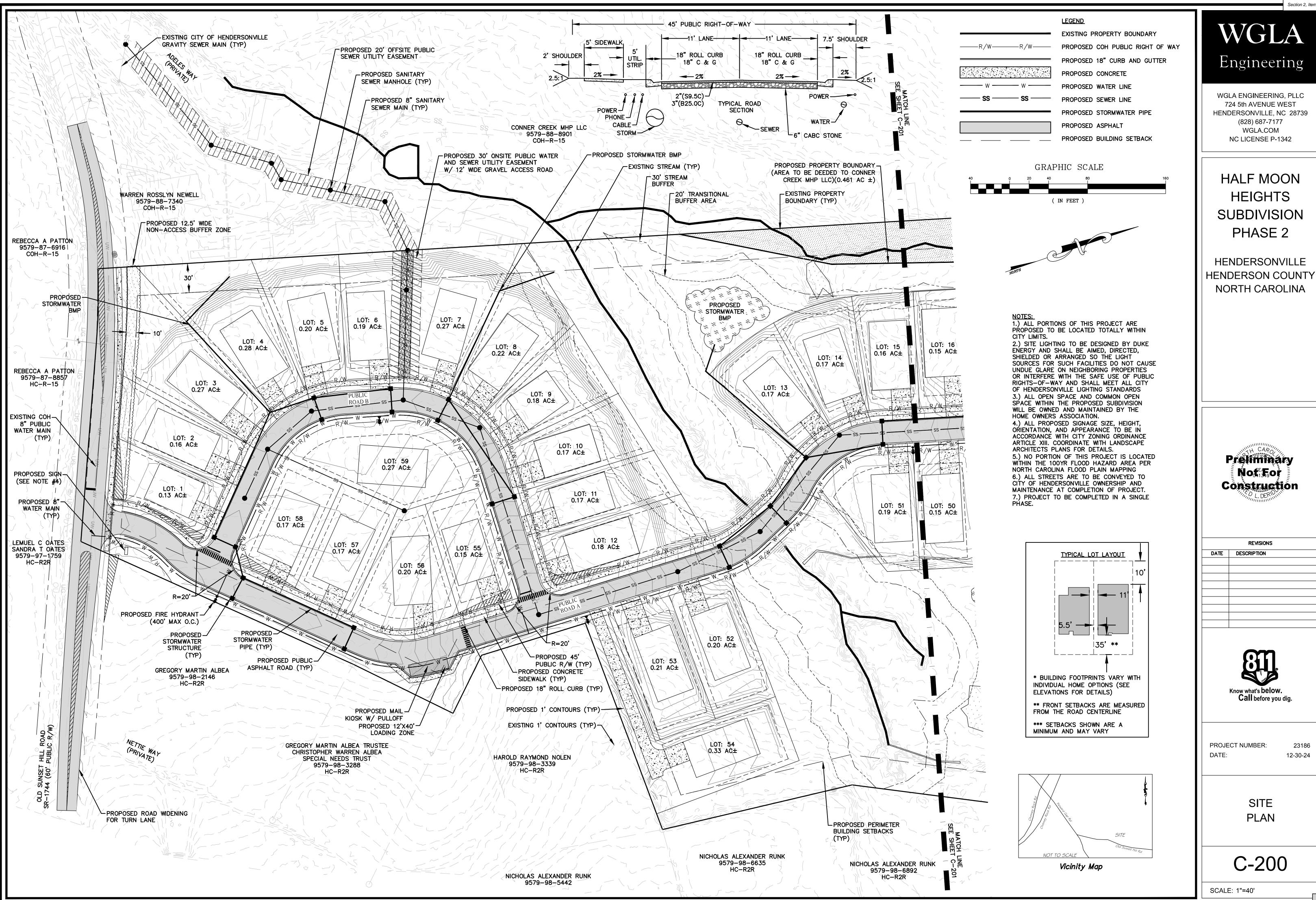
MASTER PLAN SINGLE FAMILY ELEVATIONS LANDSCAPE PLANS

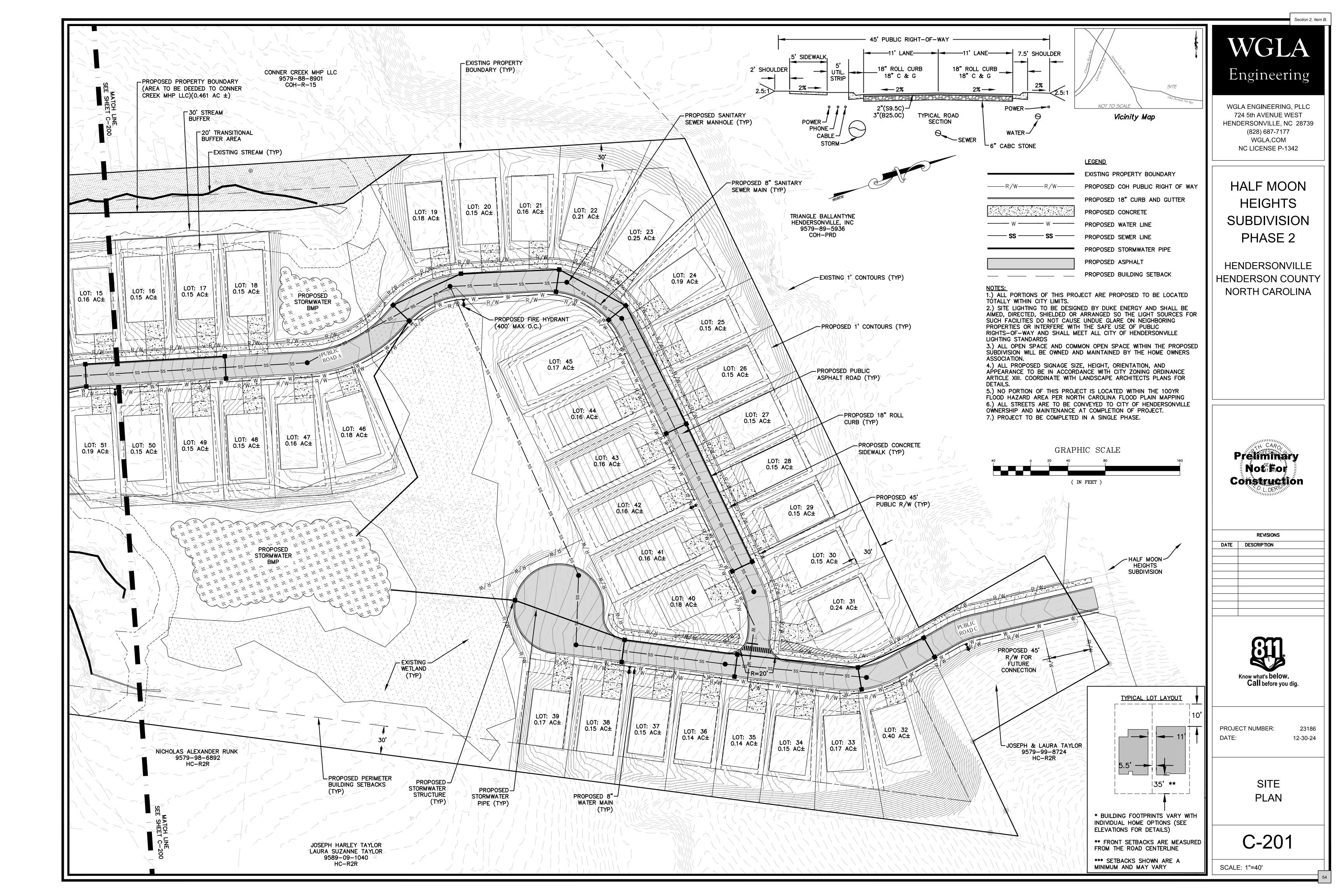












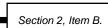






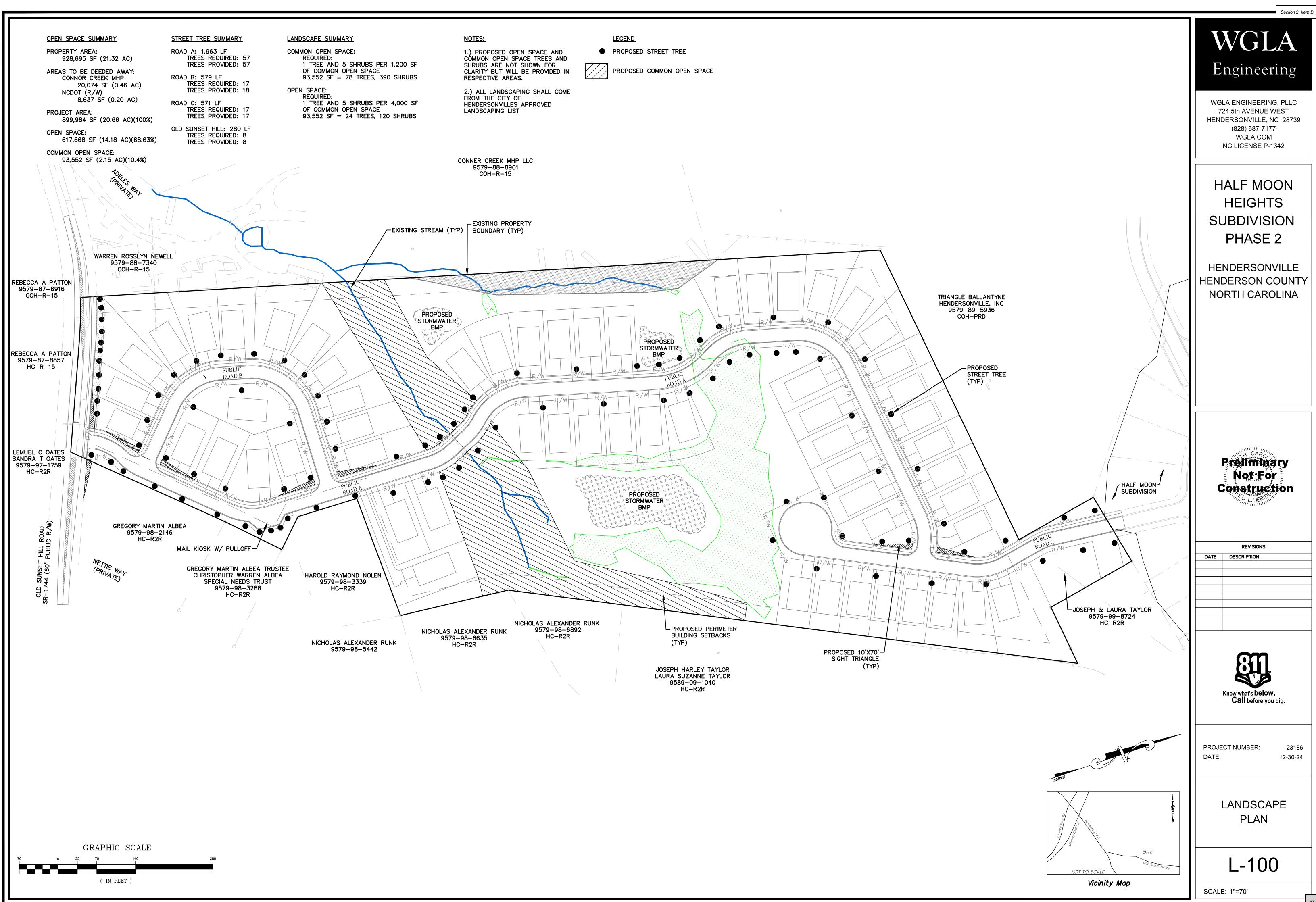


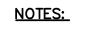




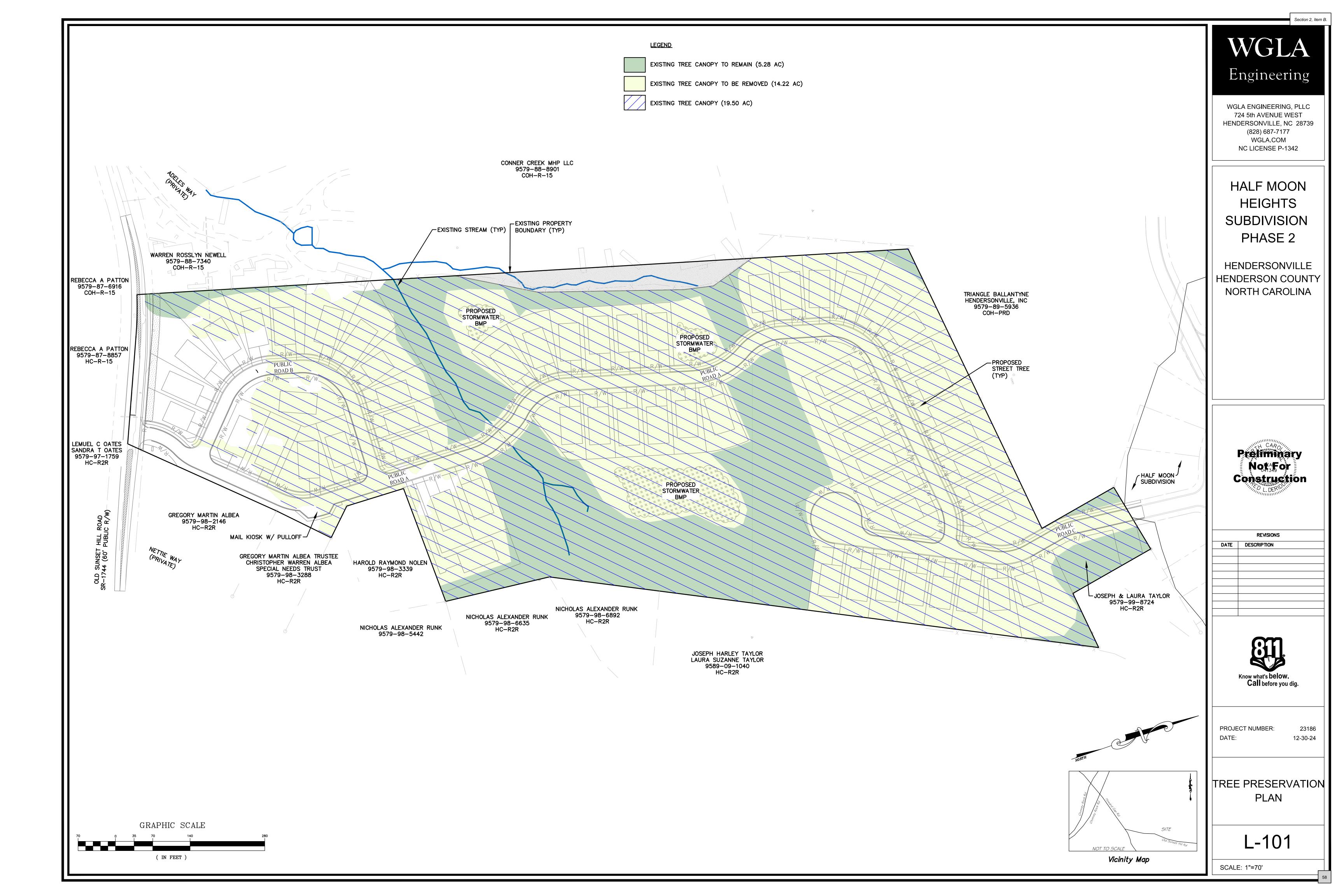
WGLA











#### Kimley » Horn

December 13, 2024

Mr. Tyler Morrow City of Hendersonville Community Development Department 100 N. King Street Hendersonville, NC 28712

#### **RE: Old Sunset Hill Road TIA Review**

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the traffic impact analysis (TIA) prepared for the Old Sunset Hill Road development dated September 13, 2024, by Impact Designs, Inc. The proposed site is located on Old Sunset Hill Road off Howard Gap Road. The proposed site will have access off Old Sunset Hill Road at a new intersection as well as through interconnectivity via Half Moon Trail to US 64 (Chimney Rock Road).

This specific review focused on the unsignalized intersections noted for inclusion within the approved TIA scope document by the North Carolina Department of Transportation (NCDOT). The NCDOT *Policy on Street and Driveway Access to North Carolina Highways*, NCDOT *Congestion Management Capacity Analysis Guidelines*, and City of Hendersonville *Zoning Ordinance*. This memo outlines our technical review of the unsignalized intersections, specifically the turn lane warrants, and corresponding recommendations.

#### **TECHNICAL REVIEW**

The September 13<sup>th</sup>, 2024, TIA submitted by Impact Designs included four (4) existing signalized intersections and one (1) new site access (Access A). The following review looks are each of the unsignalized intersections related to the existing and proposed traffic volumes and how they relate to NCDOT's turn lane warrant nomograph. The NCDOT *Policy on Street and Driveway Access to North Carolina Highways* contains a nomograph warrant for left and right turn lanes, page 80. Each of the locations are discussed below along with the findings and recommendations.

#### US 64 at Half Moon Trail

The existing intersection of US 64 at Half Moon Trail currently has a left-turn lane from US 64 onto Half Moon Trail. A right turn lane from US 64 onto Half Moon Trail is also present. Furthermore, Half Moon Trail's approach to US 64 is a single lane with a shared left and right-turn lane. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Right turn from US 64 EB onto Half Moon Trail = AM (5 trips), PM (20 trips)
- Left turn from Half Moon Trail onto US 64 = AM (14 trips), PM (10 trips)
- Right turn from Half Moon Trail onto US 64 = AM (2 trips), PM (0 trips)

The proposed site will add the following trips to these movements:

### Kimley **»Horn**

- Right turn from US 64 EB onto Half Moon Trail = AM (3 trips), PM (9 trips)
- Left turn from Half Moon Trail onto US 64 = AM (4 trips), PM (3 trips)
- Right turn from Half Moon Trail onto US 64 = AM (12 trips), PM (8 trips)

Since there are already right and left turn lanes from US 64 onto Half Moon Trail, and the cumulative volume from the site for the AM and PM peak hours sums less than 20 trips per each movement, additional capacity lanes are not needed on Half Moon Trail.

#### US 64 at Ballantyne Commons Circle

The existing intersection of US 64 at Ballantyne Circle currently has a right turn lane from US 64 onto Ballantyne Commons Circle. Furthermore, Half Moon Trail's approach to US 64 is a single lane for right turns only. Since this section of US 64 is one way where Ballantyne Commons Circle intersections, additional turn lanes are not needed. Furthermore, the site is adding less than 5 trips per movement for the AM and PM peak hours, the existing infrastructure is sufficient for the development.

#### Howard Gap Road at Old Sunset Hill Road (Eastern)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (100 trips), PM (147 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (6 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (9 trips), PM (7 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (222 trips), PM (101 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (12 trips), PM (40 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (3 trips), PM (9 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (8 trips), PM (5 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (47 trips), PM (32 trips)

The length of storage necessary was determined based on the NCDOT turn lane warrant nomograph. These are shown in the table below.

Approach	Existing		With Site Traffic	
Approach	AM	PM	AM	PM
Left turn from Howard Gap Road onto Old Sunset Hill Road	75 ft	100 ft	75 ft	125 ft
Right turn from Old Sunset Hill Road onto Howard Gap Road	150 ft	150 ft	175 ft	175 ft

Page 2

#### Kimley »Horn

Page 3

The volumes shown in the TIA show that turn lanes are warranted for a left turn from Howard Gap Road and a right turn from Old Sunset Hill Road. In review of the geometrics and the volumes from the intersection, a right turn lane, while warranted is not recommended. Upon review of the traffic volumes at the intersection, very few vehicles turn left from Old Sunset Hill Road in the AM or PM peak hour. With the site traffic, less 20 vehicles in the peak hours are projected to make this movement. That translates into a car every 3 minutes on average. As such the existing single lane operates as a dedicated right turn lane for the movement.

The left-turn movement from Howard Gap Road onto Old Sunset Hill Road is warranted and should be installed. While a turn lane is needed in both peak hours, the PM peak hour is the highest concern. In the PM peak hour, 147 existing vehicles turn left onto Old Sunset Hill Road. The proposed site will add 40 additional vehicles to this movement for a total of 187 vehicles. The 187 vehicles oppose 244 approaching vehicles and blocks 312 vehicles from passing the intersection. Furthermore, the skew of the intersection approach from Old Signal Hill Road does limit visibility for turning movement from Old Signal Hill Road and horizontal curvature of Howard Gap Road just past the intersection limits visibility for vehicles turning onto Old Signal Hill Road. The site constitutes 27% of the traffic turning left onto Old Signal Hill Road.

#### Old Sunset Hill Road at Howard Gap Road (Western)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (14 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (148 trips), PM (61 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (68 trips), PM (93 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (16 trips), PM (6 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (0 trips), PM (0 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (1 trips), PM (5 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)

With the low volume of traffic added to the intersection by the site, turn lanes are not recommended at this location.

Page 4

#### Kimley »Horn

#### RECOMMENDATIONS

Based on the analysis contained in this memo, it is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane.

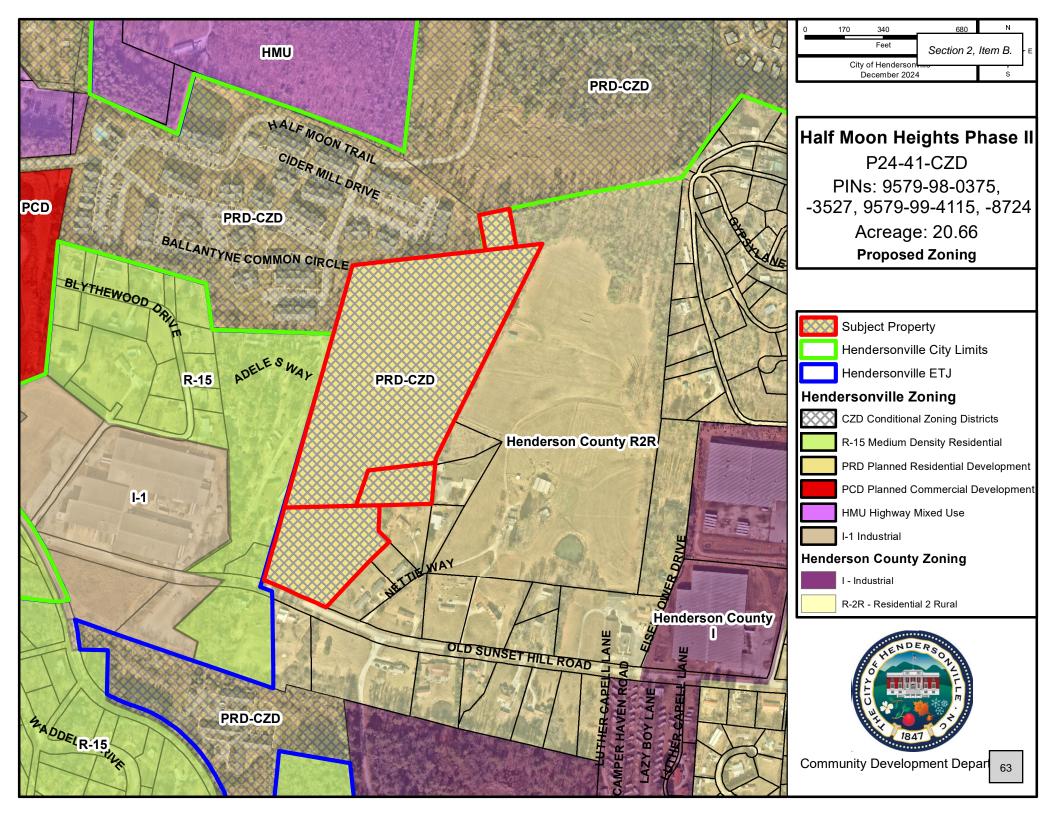
The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs.

#### CONCLUSIONS

Please contact me at (704) 488-3055 or jonathan.guy@kimley-horn.com should you have any questions regarding this analysis.

Sincerely,

Jonathan Guy, PE, AICP, PTOE Senior Vice President



Ordinance #\_\_\_\_

#### AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY R2R, RESIDENTIAL TWO RURAL TO PRD-CZD, PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724 Address: 205 Old Sunset Hill Road Half Moon Heights Phase II: (File # P24-41-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Tricia Chassen of Forestar USA Real Estate Group, INC, and property owners, Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor, for the construction of a 59 unit detached single-family development on approximately 20.66 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on January 9<sup>th</sup>, 2025; voting 0-0 to recommend/not recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on February 12th, 2025, and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

- Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724, changing the zoning designation from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District.
- 2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - a. Development shall comply with the master site plan submitted by the applicant dated December 30<sup>th</sup>, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
  - b. Permitted uses shall include:
    - i. Residential, Single-Family
  - c. Additional conditions that shall be satisfied prior to final site plan approval include: i.
- 3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
- 4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 12<sup>th</sup> day of February 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724 Address: 205 Old Sunset Hill Road Half Moon Heights Phase II: (File # P24-41-CZD)

Applicant/Developer: <u>Tricia Chassen of</u>	Property Owner: Gregory Albea
Forestar USA Real Estate Group, INC	Signature:
Signature:	Printed Name:
Printed Name:	Date:
Title:	
Date:	Property Owner: Julianne Albea
	Signature:
	Printed Name:
	Date:
	Property Owner: Jospeh Taylor
	Signature:
	Printed Name:
	Date:
	Property Owner: Laura Taylor
	Signature:
	Printed Name:
	Date:

Section 2, Item B.



#### CITY OF HENDERSONVILLE COMMUNITY DEVELOPMENT DEPARTMENT 100 N. King Street, Hendersonville, NC 28792 Phone (828) 697-3010|Fax (828) 698-6185 www.hendersonvillenc.gov

#### **Conditional Zoning District Petition** Section 7-4 and Article 11 City Zoning Ordinance

The following are the <u>required</u> submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- 1. Completed Pre-Application meeting with Planning Staff
- 2. Scheduled Neighborhood Compatibility Meeting NCM Date: \_\_\_\_\_ Time: \_\_\_\_\_ Asar
- 3. Water and Sewer Availability Request
- 4. Completed Application Form
- 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- 7. Detailed explanation of any Proposed Development Description
- 8. Application Fee

9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

#### Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

Ву:\_\_\_\_\_

A. Applicant Contact Information		
Tricia Chassen		
* Printed Applicant Name		
Forestar (USA) Real Estate Group, Inc.		
Printed Company Name (if applicable)		
Corporation	Trust	Partnership
Other:		
Patricia Chassen Patricia Chassen (Mar 5, 2024 12:05 EST)		
Applicant Signature		
Director of Entitlements		
Applicant Title (if applicable)		
750 Executive Center Dr. Suite 10		
Address of Applicant		*
Greenville, SC 29615		
City, State, and Zip Code		
864-940-6784		
Telephone		
triciachassen@forestar.com		
Email		

\* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

C. Additional Property Owner Contact Information					
Julianne D. Albea					
Gregory Martin Albea					
* Printed Applicant Name Date					
Represented by (Hayes Albea, Broker/Seller Representative)					
Printed Company Name (if applicable)					
□ Corporation □ Limited Liability Company □ Trust □ Partnership					
□ Other:					
Gregory M. Albea, dottoop verified 07/19/24 9:07 PM EDT UXV1-PBYK-W2UZ-BJ60 Julianne D. Albea dottoop verified 08/07/24 9:24 AM EDT FKXP-8ESY-2QEK-10UI					
Property Owner Signature					
Owner					
Property Owner Title (if applicable)					
430 S. Mills River Rd					
Address of Property Owner					
Mills River, NC 28759					
City, State, and Zip Code					
(828) 606-8007					
Telephone					
hayesalbea@kw.com					
Email					

<b>B</b> .	Property (	Owner	<b>Contact Information</b>	(if	different from A	Applicant)
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Joseph Harley Taylor Laura Taylor

\*Printed Owner Name (Authorized Representative for entities other than individuals)

Printed Company Name (if applicable, check corresponding box below)

Corporation Limited Liability Company Trust Partnership					
Other: Joseph H. Taylor Laura & Taylor					
Property Owner/Authorized Representative Signature					
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)					
84 Nettie Way, Hendersonville, NC 28792					
City, State, and Zip Code					
878-674-0551					
Telephone					
taylorihbb@gmail.com					
Email 0 0					

\* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

\* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

C. Property Information					
Name of Project: Old Sunset Hill Subdvision					
PIN(s):					
Address(es) / Location of Property:					
Hendersonville, NC 28792					
Гуре of Development: Residential Commercial Other					
Current Zoning:					
Fotal Acreage:					
Proposed Zoning:					
Proposed Building Square Footage:					
Number of Dwelling Units:					
List of Requested Uses:					
Planned Residential Development (PRD) - Single Family Homes					

#### D. Proposed Development Conditions for the Site

#### In the spaces provided below, please provide a description of the Proposed Development for the site.

The proposed site will have two entry points (Old Sunset Hill Rd) and the Half Moon subdivision. The site will be single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

C. Property Information					
Name of Project:					
PIN(s):					
Address(es) / Location of Property: Adjacent to: 395 Old Sunset Hill Rd					
Hendersonville, NC 28792					
Type of Development:					
Current Zoning:					
Fotal Acreage:					
PRDCZD					
Proposed Building Square Footage:					
Number of Dwelling Units:58 (Part of a Larger Common Plan)					
List of Requested Uses:					
Planned Residential Development (PRD) - Single Family Homes					

#### **D.** Proposed Development Conditions for the Site

#### In the spaces provided below, please provide a description of the Proposed Development for the site.

This portion of the site will be used as a connection between the existing Half Moon subdivision and the proposed subject subdivision. The proposed subject subdivision will be a single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

BK 4026 PG 272 - 274 (3) DOC# 1000995389 This Document eRecorded: 03/28/2023 10:37:29 AM Fee: \$26.00 Henderson County, North Carolina William Lee King, Register of Deeds

## NORTH CAROLINA SPECIAL WARRANTY DEED Excise Tax \$0.00

Parcel Identifier No. 9589273428, 9589279069, 9579983527, a portion of 9579982846 Prepared by and return to: Van Winkle Law Firm (JDV), PO Box 7376, Asheville, NC 28802-7376 Brief description for the Index: <u>various lots Southern Visions Drive and Nettie Way</u>

THIS DEED made this 27% day of March, 2023, by and between:

## GRANTOR

**Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams** 

430 South Mills River Road

## GRANTEE

**Gregory Martin Albea** 

430 South Mills River Road Mills River, NC 28759

## Mills River, NC 28759

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina, and more particularly described as follows (the "Property"):

See EXHIBIT A attached hereto and incorporated herein by reference.

## NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.

THIS PROPERTY Does/ Not (check one) INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.

# TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Submitted electronically by "Van Winkle Law Firm" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

## BK 4026 PG 272 - 274 (3) DOC# 1000995389

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, and under or through Grantor, except for the exceptions hereinafter stated.

The property hereinabove described was acquired by Grantor via the Last Will and Testament of Donnie A. Williams of record in Henderson County Estate file number 22-E-870.

The undersigned Gregory Martin Albea is also serving as the Executor of the Estate of Donnie A. Williams and signs this deed also in his capacity as Executor to release any claim that the Estate might have with respect to the Property.

Title to the Property is subject to the following exceptions:

Utilities physically located on the Property, ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals, day and year first above written.

By: Ann Martin allen (SEAL)

Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams

STATE OF North Carolina COUNTY OF Henderson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose state therein and in the capacity indicated: **Gregory Martin Albea** 

Date: <u>3/27/2023</u> Notary Public Jasara (Printed Name of Notary) THIS BOX ONLY! PLACE NOTARY la0a6 My Commission Expires:\_\_\_\_ Notary Public Polk County My Comm. Exp. 06-06-2026 ///unnw



### DOC# 1000995389 BK 4026 PG 272 - 274 (3)

## EXHIBIT A

## Tract 1:

BEING ALL OF LOT 2R, consisting of 1.09 acres, and LOT D, consisting of 10.62 acres, as shown on Plat Slide 14682, Henderson County Registry (the "Plat").

TOGETHER WITH AND SUBJECT TO the right of way for ingress, egress, regress, and utilities over Southern Visions Drive as shown on said Plat for the benefit of Lot D, Lot 2R, Lot A, Lot B, and Lot C shown on said Plat.

## <u>Tract 2</u>:

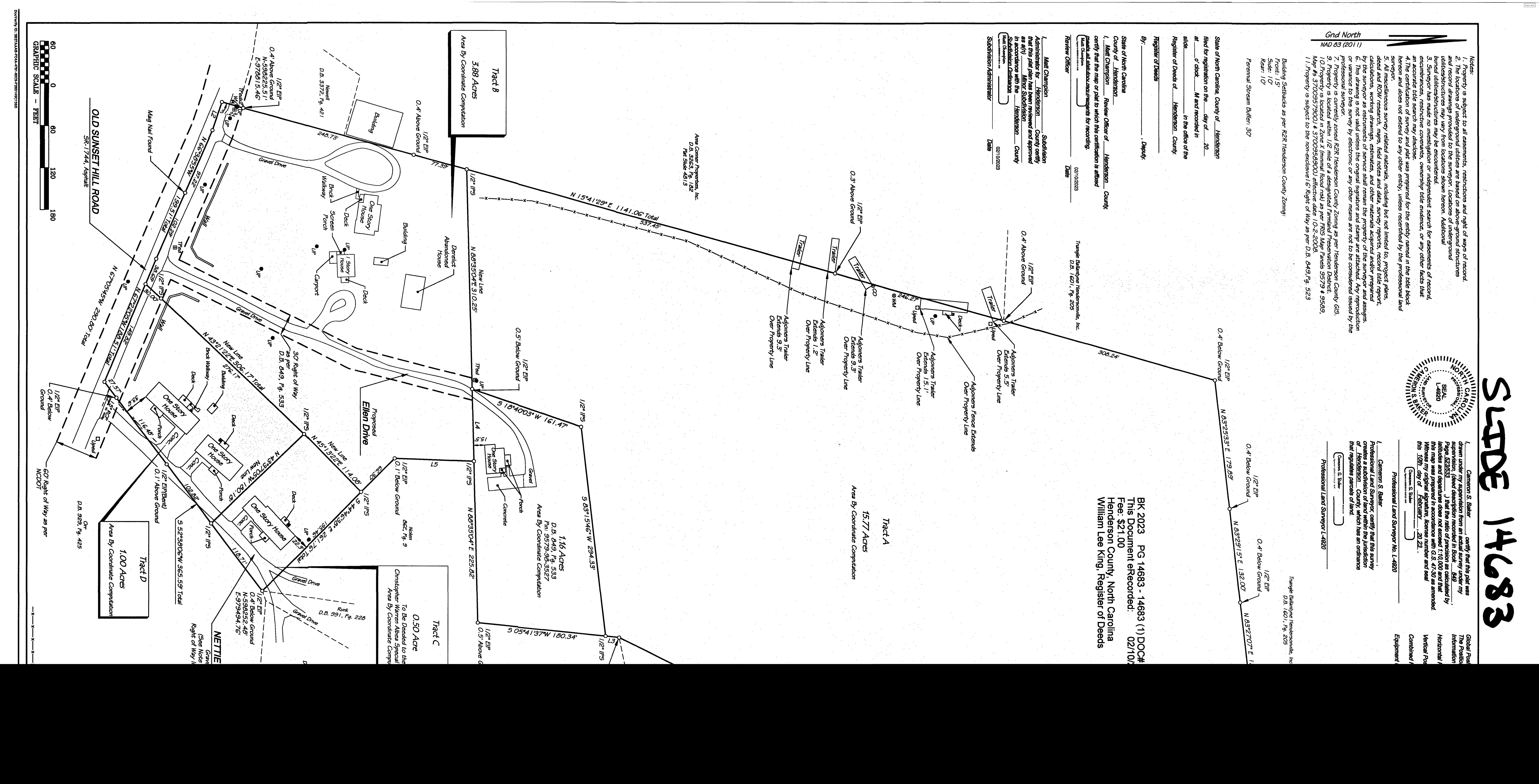
BEING ALL OF that 1.16 acre parcel, and Tract A, consisting of 15.77 acres, and Tract B, consisting of 3.88 acres, as shown on Plat Slide 14683 of the Henderson County Registry (the "Plat")

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over that 30' Right of Way labeled "Proposed Ellen Drive" as shown on the Plat and described in Book 849, Page 533.

Tract 3:

BEING ALL OF that Tract D, consisting of 1.00 acres, as shown on Plat Slide 14683 of the Henderson County Registry.

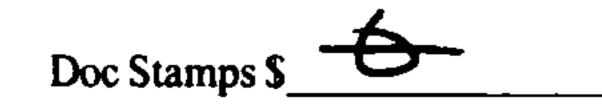
TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over Nettie Way, as shown on the Plat and described in Book 849, Page 523.





This document presented and filed: 03/05/2021 03:49:05 PM

WILLIAM LEE KING, Henderson COUNTY, NC Transfer Tax: \$0.00



Prepared by: Sharon B. Alexander **Deed Preparation Only** 

## **DEED OF RECOMBINATION**

## **COUNTY OF HENDERSON**

-> PYM THIS DEED, made and entered into this  $3^{-1}$  day of March, 2021, by and between JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (herein referred to as the "party of the first part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792) and JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (the "party of the second part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792);

WHEREAS, the Joseph Harley Taylor is the owner of all of the property described herein below and identified by different real estate identification numbers within the tax records for Henderson County, North Carolina, as follows: 201879; 9926544 and 1012107;

WHEREAS, the party of the first part wishes to combine all of the property described herein below into one tax parcel and executes this Deed of Recombination for that purpose;

WHEREAS, the property described herein below was previously owned by Emanuel Taylor and Elizabeth Agatha Taylor as tenants by the entirety;

WHEREAS, Emanuel Taylor died on March 24, 2006;

WHEREAS, the property described herein below was owned by Elizabeth Agatha Taylor a/k/a Elizabeth G. Taylor a/k/a Elizabeth Guice Taylor a/k/a Agatha Elizabeth Guice Taylor at the time of her death on October 22, 2020;

WHEREAS, the Last Will and Testament of Elizabeth Agatha Taylor was admitted to probate on November 12, 2020, as reflected in File No. 20 E 1019 in the office of the Clerk of Superior Court for Henderson County, North Carolina; and

WHEREAS, the party of the first part wishes to hold said property as tenants by the entirety and executes this deed also for that purpose.

## WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey in fee simple unto said party of the second part, their heirs and assigns, certain tracts or parcels of land to be recombined as one parcel, lying and being in Blue Ridge Township, Henderson County, North Carolina, more particularly described as follows:

## Book 3664 Page 523

## PARCEL ONE

BEGINNING at a stake in the J.D. Searcy line, the northeast corner of Tract #4 of the J. B. Guice division, as surveyed and platted by G. W. Justice, Surveyor, July 3, 1935, and running thence with the Searcy line North 82 deg East (v.1  $\frac{1}{2}$  deg.) 35-3/4 poles to Searcy's corner in the John D. Corn old line; thence with said Corn line South 5 Deg. West 43  $\frac{1}{2}$  poles to a stake, the northeast corner of Tract #6 of said division; thence with the northern boundary line of Tract #6, and which said line is described in a deed dated July 12, 1935 from the said J. B. Guice and wife Nettie Guice, to Ralph Guice, North 83  $\frac{1}{2}$  deg West 32-3/4 poles to a stake, the northwest corner of Tract #6; thence with the line of Tract #6, South 29 Deg West 18 poles to a stake, corner of Tract #4; thence with the line of Tract #4, South 62 deg. West 8 poles to a stake; thence still with the line of said Tract South 76  $\frac{1}{2}$  deg. West 11 poles to a white oak; thence still with the line of Tract #4 for said division, and being the same property conveyed from T. F. Orr and wife, Milda Orr to Ralph E. Guice and wife, Velma S. Guice, recorded in Book 267, page 114.

And excepting and reserving as a right of way for the benefit of Tracts 4, 5, 5-A, and 6 of said division a strip of land 16 feet wide extending from the public road above mentioned Northward along the Western boundary lines of Tracts 5-A and 6, to the point where the above call "North 62 deg, East 8 poles to a stake intersects with the Western boundary line of Lot #6, which right of way is granted in deed from J. B. Guice and wife, Nettie Guice, to Mary Guice, July 12, 1935, and recorded in Deed Book 215, page 151, Records of Deeds for Henderson County, North Carolina.

ALSO BEING all of that real property described in deed of record in Deed Book 364, Page 239 in the office of the Register of Deeds for Henderson County, North Carolina.

PARCEL TWO

BEGINNING at a post oak, the northeast corner of the division of the John D. Searcy Estate, as will be shown by reference to plat recorded in Plat Book 5, at page 63, in the office of the Register of Deed for Henderson County, North Carolina, and runs thence South 79 deg West 445 feet to a stone; thence South 76 deg. 45 min West 457 feet to an iron pin; thence a new line, South 5 deg. 30 min. East 153 feet to an iron pin; thence North 83 deg. 30 min East, partly along the north line of property previously owned by Harley Manuel Taylor, et ux, 816.5 feet to a stake; thence North 5 deg East 231 feet to the point of BEGINNING, and containing 3.5 acres, and being a portion of the Robert G. Searcy tract labeled "6-F" on the above mentioned plat.

ALSO BEING all of that real property described in deed of record in Deed Book 379, Page 355 in the office of the Register of Deeds for Henderson County, North Carolina.

## PARCEL THREE

BEGINNING at a stone, Southwest corner of the Logan Cagle Heirs tract in the H. M. Russ line; and running thence with the Russ line North 86 deg. 30 min. West 57 poles to a stake, Russ' corner of the South margin of the J. B. Guice private road; thence North 29 deg. East 19.5 poles to a Pine; thence same course 40 poles to at stake; thence South 75 poles 30 min. East 33.3 poles to a stake in the Triblett line; thence with said Triblett line and continuing with the said Logan Cagle Heirs line South 5 deg. 15 min. West 47.3 poles to the BEGINNING, containing 14.33 acres, more or less, and being a part of the J. B. Guice Home Place originally conveyed to him by Margaret Guice, by deed now of record in Henderson County as recorded in Deed Book 210, page 236.

ALSO including a tract of land consisting of approximately .47 acres as recorded in Deed Book 213, page 12, reference to same being made hereby for a more complete and accurate description.

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ALSO BEING all of that real property described in deed of record in Deed Book 690, Page 695 in the office of the Register of Deeds for Henderson County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, to the said party of the second part, their heirs, successors and assigns in fee simple forever.

AND the party of the first part covenants with the party of the second part that the party of the first part has done nothing to impair such title as the party of the first part received, and the party of the first part will warrant and defend the title against the lawful claims of all persons claiming by, under or through the party of the first part, except this conveyance is made subject to the rights-of-way for Old Sunset Hill Road and Nettie Way to their full legal widths, deeds of trust, restrictions and utility easements of record and 2021 ad valorem taxes.

The real property conveyed herein does not include the primary residence of the party of the first part.

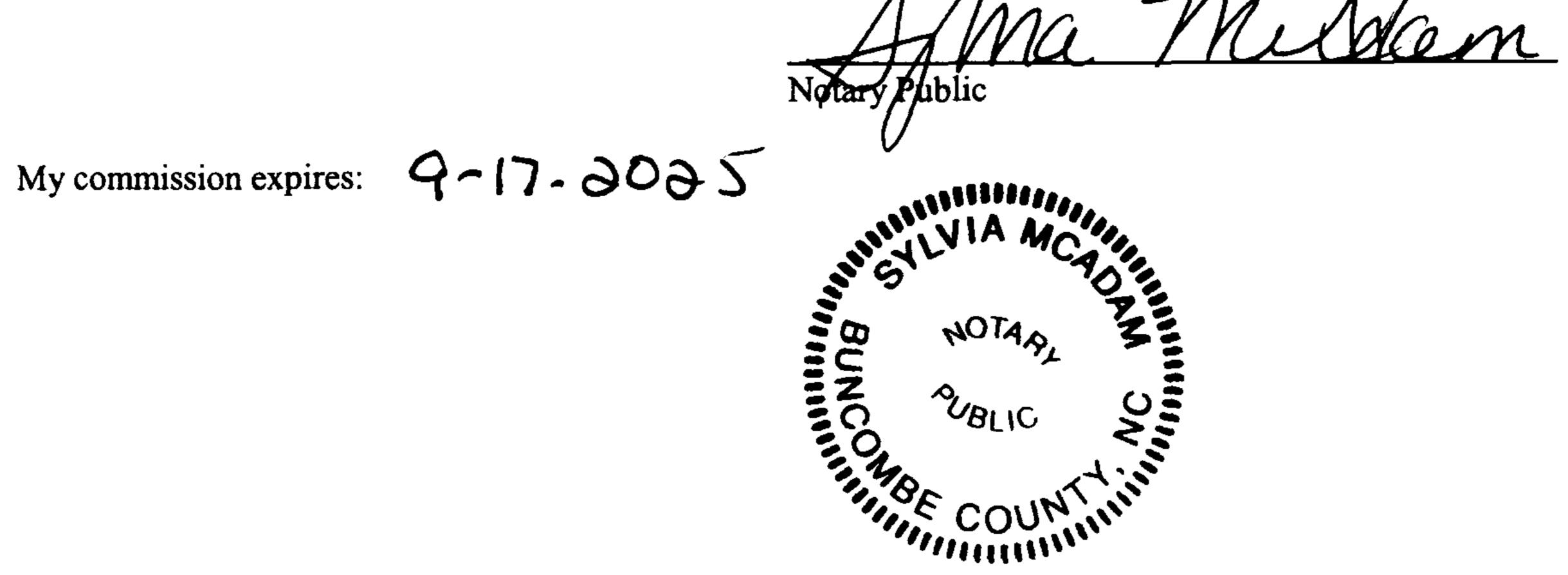
IN TESTIMONY WHEREOF, the party of the first part has hereunto has hereunto set their hands and seals, the day and year first above written.

JOSEPH HARLEY TOYLOR (SEAL)

LAURA SUZANNETAYLOR (SEAL)

## STATE OF NORTH CAROLINA COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this day of March, 2021.



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