



CITY OF HENDERSONVILLE PLANNING BOARD - CURRENT PLANNING COMMITTEE

**Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, August 08, 2022 – 2:30 PM**

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. Rezoning: Conditional Zoning District – Cottages @ Mastermind (P22-55-CZD) – *Matthew Manley, AICP – Planning Manager*
- 6. OTHER BUSINESS**
 - A. Planning Board Committee Assignments - *Jim Robertson, Chairman*
- 7. 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: Matthew Manley, Planning Manager

MEETING DATE: August 8, 2022

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Cottages @ Mastermind (P22-55-CZD) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9579-48-2415 & 9579-48-6832) from R-40 (Low Density Residential) and C-2 (Secondary Business) to PRD (Planned Residential Development – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated _____, 2022,] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Two-Family Residential
2. Single-Family Residential

[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

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

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9579-48-2415 & 9579-48-6832) from R-40 (Low Density Residential) and C-2 (Secondary Business) to PRD (Planned Residential Development – Conditional Zoning District) based on the following:

- 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:**

The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan.

- 2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**

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

[DISCUSS & VOTE]

<p>The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan. Furthermore, the Regional Activity Center Future Land Use designation recommends densities exceeding those proposed for this development.</p> <p>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:</p> <ol style="list-style-type: none">1. The development of two-family residential dwellings will provide a needed housing type.2. The development would provide housing in close proximity to shopping and employment opportunities. <p>[DISCUSS & VOTE]</p>	
---	--

***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Tom Martinson & Elam Hall of DHI Communities, applicant and John and Betty Hammond, property owners. The applicant is requesting to rezone the subject property, PINs 9579-48-2415 and 9579-48-6832 and located off Francis Road/Mastermind Lane, from C-2 Secondary Business and R-40 Low Density Residential to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 98 two-family units and 1 single-family home on approximately 12.76 acres. The proposal includes the addition of 49 – 2-unit “casitas”, 1 – 1-unit casita, a clubhouse/mailroom and 3 garage structures.*

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

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

PROJECT/PETITIONER NUMBER:	P22-55-CZD
PETITIONER NAME:	Tom Martinson & Elam Hall / DR Horton (DHIC, LLC) [Applicant] John Hammond / Hammond Family Trust [Owner]
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Neighborhood Compatibility Summary3. Tree Board Summary4. Proposed Site Plan5. Draft Ordinance6. Proposed Zoning Map7. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING – COTTAGES @ MASTERMIND (P22-55-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES..... **Error! Bookmark not defined.**

FUTURE LAND USE 7

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 8

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 9

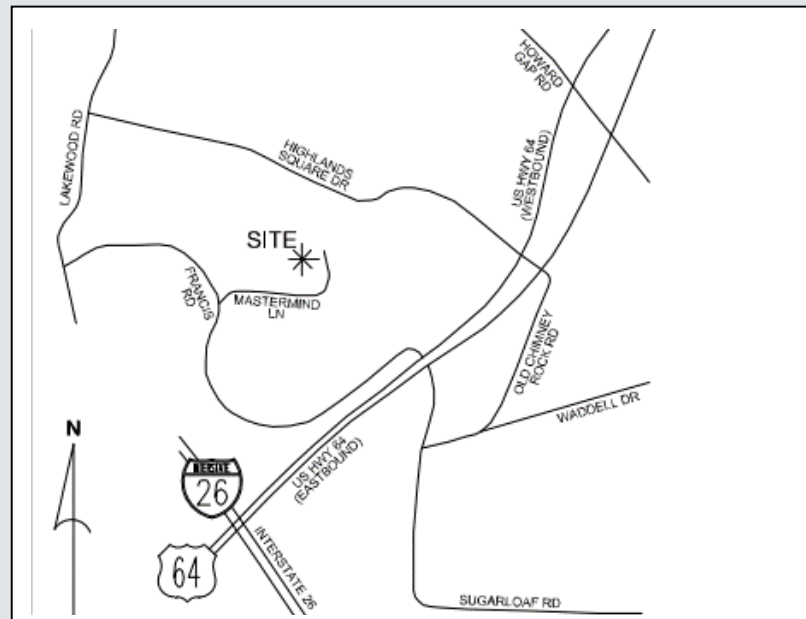
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 10

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 11



PROJECT SUMMARY

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



SITE VICINITY MAP

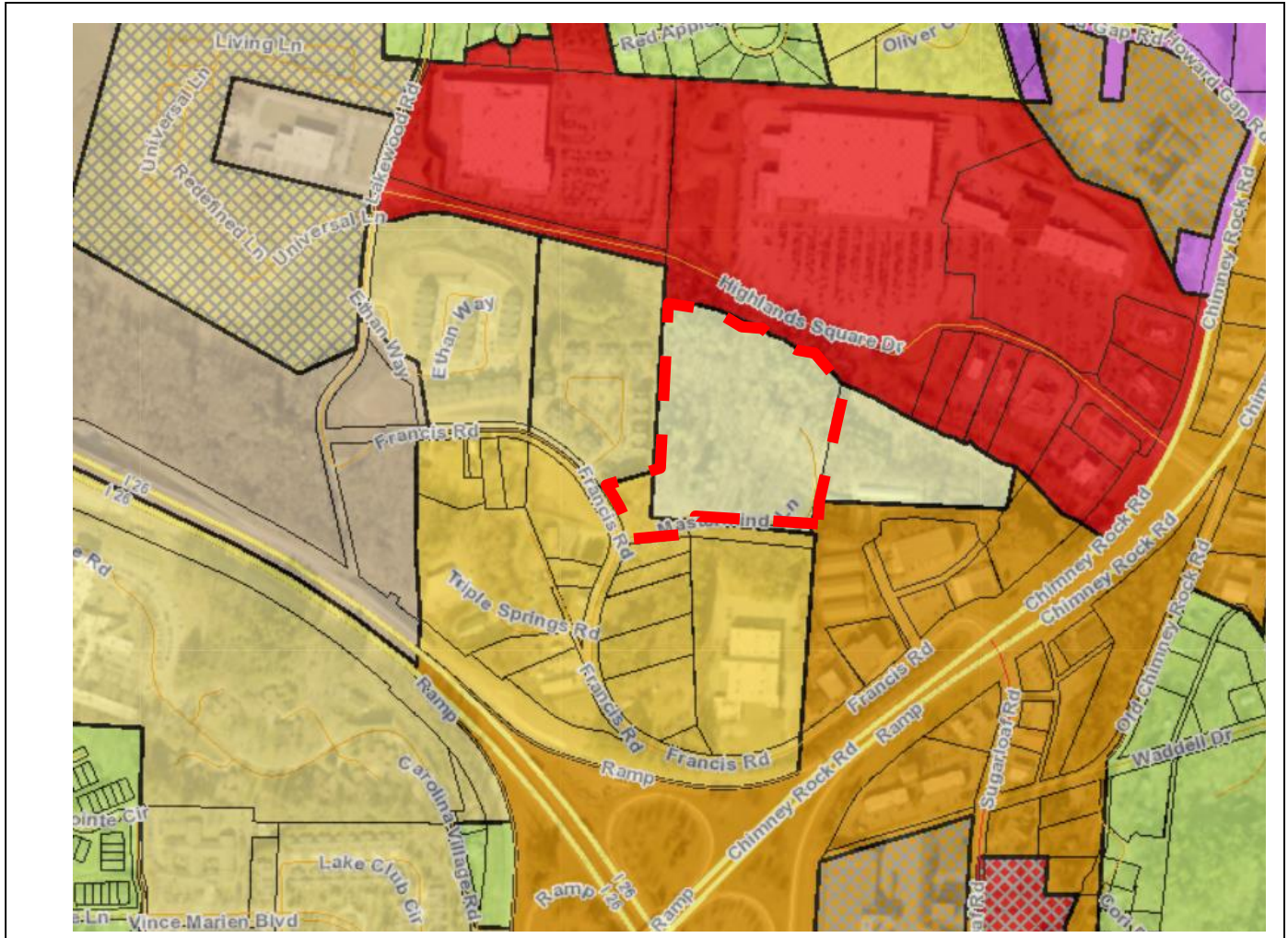
The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Tom Martinson & Elam Hall of DHI Communities, applicant and John and Betty Hammond, property owners. The applicant is requesting to rezone the subject property, PINs 9579-48-2415 and 9579-48-6832 and located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

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

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

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

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

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

SITE IMAGES



View of existing principal structure

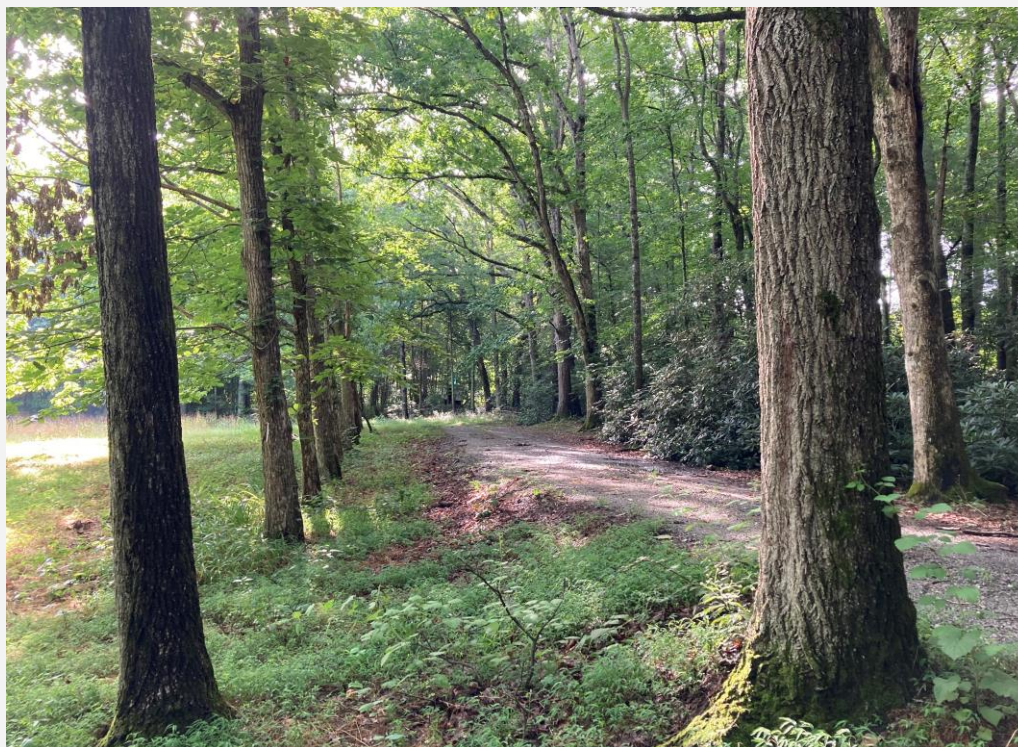


View of dry creek/wet weather conveyance and secondary residence on subject property

SITE IMAGES



View of typical wooded scene



View of tree-lined drive running along property boundary

SITE IMAGES

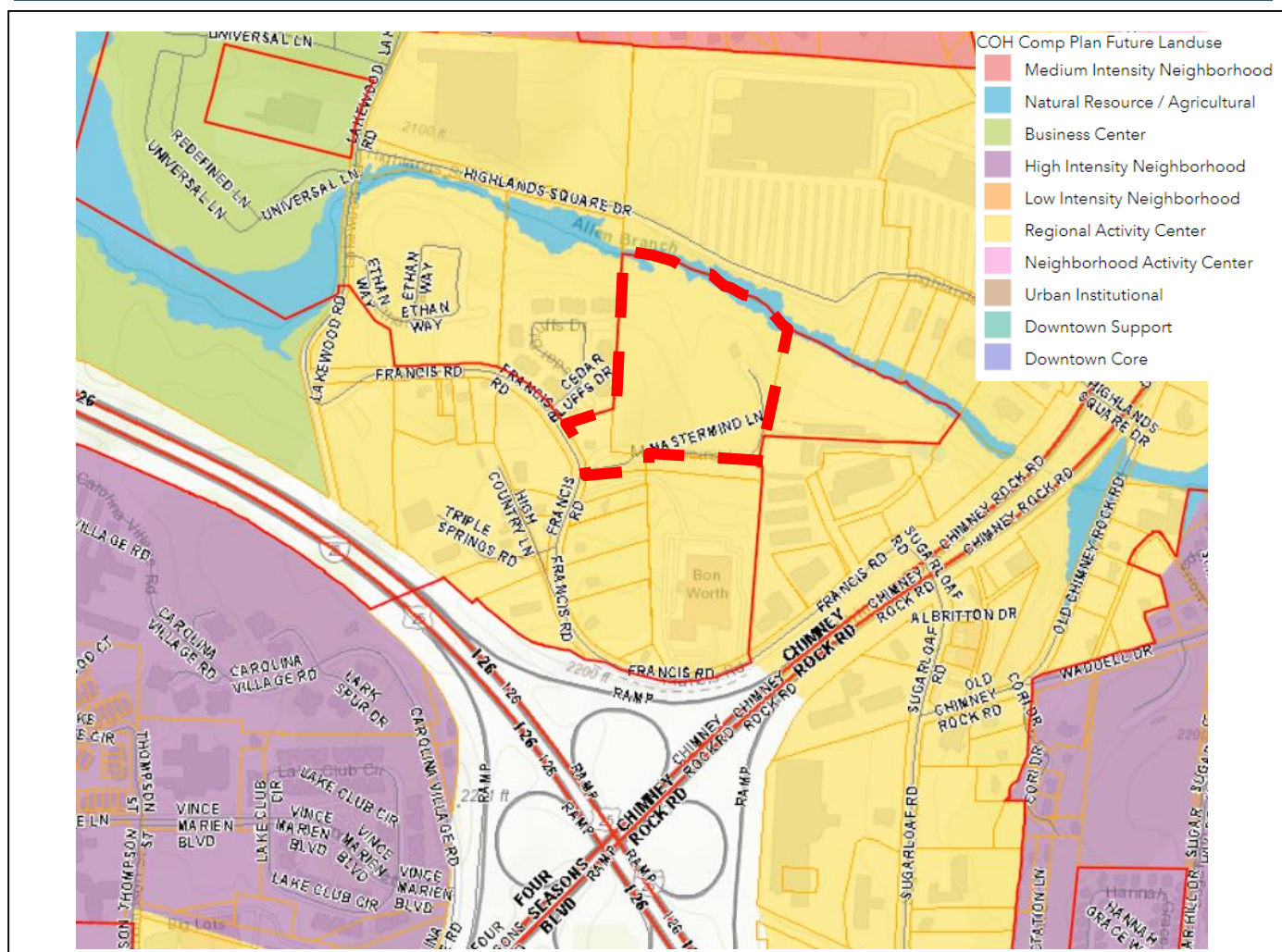


View of rock wall at wet weather conveyance on subject property



View of Allen Branch at rear of subject property

FUTURE LAND USE



City of Hendersonville Future Land Use Map

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

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

Francis Rd is designated as a Local Street.

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

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

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

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

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

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

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

DRAFT [Rationale for Approval]

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

DRAFT [Rational for Denial]

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

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- Site Plan Summary:
 - The site plan accompanying this petition contains the following provisions:
 - 99 Residential Units (Casitas) & Clubhouse totaling 2.09 Acres (16.4%)
 - 49 – Two-family Structures
 - 1 – Single-family Structure
 - Drives, Parking Spaces (188) and Sidewalks totaling 1.75 Acres (13.6%)
 - Open Space totaling 8.92 Acres (70%)
 - Common Open Space totaling 1.28 Acres (10%)
 - Fire Access with Grass Pavers
 - Greenway Easement on Allen Branch
- Proposed Uses:
 - Two-family & Single-family residential
- Developer Agreed Conditions (included on Site Plan):
 - Conditions Exceeding Standards:
 - Developer to provide non-exclusive, 20' wide greenway easement that runs parallel to Allen Branch Creek. [Staff-initiated – Agreed]
 - Developer to replace 50%, a total of 11, of the proposed Linden and Zelkova tree plantings with native medium or large canopy trees from the following Genera (Quercus and Acer). [Tree Board - Agreed]
 - Developer to protect preserved trees from construction activities as prescribed in the zoning code 15-4 regardless of use as tree credits. [Tree Board - Agreed]
 - Developer to plant an additional 15 oak, maple, and/or poplar trees than shown within the “Proposed Planting Schedule” shown on L110 – Landscape & Resource Plan, throughout the open spaces created by this development. [Tree Board – Counter]
 - Developer will perform a TIA after the rezoning is considered due to the location of the project on a Local Street as stipulated by the PRD zoning. The developer will be responsible for any mitigation of traffic impacts recommended as a result of the findings from the TIA. [Staff-initiated – Counter]
 - Any developer-provided aerial stream crossing shall be elevated above the 100-Year Floodway/NEZ and permitted under applicable codes [Staff-initiated – Counter].
 - Conditions Reducing Standards:
 - The developer requests relief from the 75' requirement for parking space distance from the residential units [Developer-initiated]
 - Developer to be granted relief from second fire/emergency access requirement [Developer-initiated]

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

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

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

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- Resolved

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

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

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

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

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

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

Proposed City-Initiated Conditions:

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

PUBLIC WORKS

Site Plan Comments:

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

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

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

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

Site Plan Comments:

- The proposed use did not trigger a TIA

Proposed Condition:

- A TIA will be performed after the rezoning is considered due to the location of the project on a Local Street as stipulated by the PRD zoning. The developer will be responsible for any mitigation of traffic impacts recommended as a result of the findings from the TIA.

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary



NEIGHBORHOOD COMPATIBILITY MEETING REPORT
COTTAGES @ MASTERMIND (P22-55-CZD)
MEETING DATE: JUNE 3, 2022

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

APPLICANT/PETITIONER: Elam Hall / Tom Martinson (DHIC, LLC) [Applicant]
 John Hammond (Hammond Family Trust) [Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on June 3, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 20 minutes.

There was one member of the public in attendance in-person while 2 others attended virtually. Additionally, in attendance were the applicants and their development team and 2 members of City staff.

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

There were no pre-submitted.

The development team was allowed to present their project proposal for 98 two-family residential units + single-family unit on a 12.8 Acre site off of Francis Rd.

Concerns and questions from the public related to height of the structures, number of bedrooms, rental rate, fire access, on-site management, playground amenities, traffic impact, garbage collection, landscaping plans and the need for road improvements on Francis Rd.

Full minutes from the Neighborhood Compatibility are available for review by request.



TREE BOARD RECOMMENDATION
COTTAGES @ MASTERMIND (P22-55-CZD)
MEETING DATE: JULY 19, 2022

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

APPLICANT/PETITIONER: Elam Hall/ Tom Martinson (DHIC, LLC) [Applicant]
 John Hammond (Hammond Family Trust) [Owner]

TREE BOARD ACTION SUMMARY:

The engineer for the development, Warren Sugg of Civil Design Concepts, presented to the Tree Board at a regular meeting on July 19, 2022. The following Tree Board members were present: Mark Madsen, Mary Davis, Andy Crawford, Glenn Lange, & Mac Brackett. The following recommendations were made:

SUMMARY

Based on the documents provided prior to the Tree Board meeting, there are more than 340 - 12" or larger trees on this property consisting primarily of oak, maple, poplar and pine. It appears that a large number, more than 240 - 12" or larger trees will be removed from this property and not be preserved. Only 21 medium or large canopy trees will be replanted and not with similar species as currently found on the property. This property is one of the few remaining forested properties of this size and tree diversity in Hendersonville.

RECOMMENDATIONS

The Tree Board recommends the following conditions be applied to this development.

1. Replace 50% of the proposed Linden and Zelkova tree plantings with native medium or large canopy trees from the following Genera (Quercus and Acer) to help enhance bird populations by planting trees that produce food (insects) for nesting birds. 96% of our terrestrial birds rely on insects supported only by native plants.
2. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4 regardless of use as tree credits.
3. Plant an additional 15 oak, maple, and poplar (2.5" or larger caliper) trees throughout the open spaces created by this development.
4. Implement a vegetative planting plan that will enhance the banks of and create a 20' corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses should be used.

FULL MOTION

The full motion provided by the Tree Board includes the following rationale:

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section I.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-2, Strategy 2.3) and the City Council’s adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to the prioritization of existing tree canopy, the Tree Board believes that this project is inconsistent and incompatible with the preservation of tree canopy in Hendersonville for the following reasons [listed above]:

BOARD ACTION

Motion: Lange

Yeas: All

Nays: None

Recused: None

Absent: Patricia Christie, Landon Justice

SITE CONDITIONS FOR APPROVAL

CITY PROPOSED CONDITIONS (DEVELOPER CONCESSIONS):

- ANY DEVELOPER-PROVIDED AERIAL SEWER CROSSING SHALL BE ELEVATED ABOVE THE 100-YEAR FLOODWAY/NEZ AND PERMITTED UNDER APPLICABLE CODES.
- DEVELOPER TO PROVIDE NON-EXCLUSIVE GREENWAY EASEMENT, 20' WIDE, THAT RUNS PARALLEL TO ALLEN BRANCH CREEK.
- DEVELOPER TO REPLACE 50% A TOTAL OF 11, OF THE PROPOSED LINDEN AND ZELKOVA TREE PLANTINGS, AS SHOWN WITHIN THE "PROPOSED PLANT SCHEDULE" SHOWN ON L101 - LANDSCAPE & RESOURCE PLAN, WITH NATIVE MEDIUM OR LARGE CANOPY TREES FROM THE FOLLOWING GENERA (QUERCUS AND ACER).
- DEVELOPER TO PROTECT PRESERVED TREES FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN THE ZONING CODE 15-4 REGARDLESS OF USE AS TREE CREDITS.
- DEVELOPER TO PLANT AN ADDITIONAL TOTAL OF 15 OAK, MAPLE, AND/OR POPLAR TREES, THAN SHOWN WITHIN THE "PROPOSED PLANT SCHEDULE" SHOWN ON L101 - LANDSCAPE & RESOURCE PLAN, THROUGHOUT THE OPEN AND/OR NATURAL SPACES OF THIS DEVELOPMENT.
- DEVELOPER WILL PERFORM A TIA AFTER THE REZONING IS CONSIDERED DUE TO THE LOCATION OF THE PROJECT ON A LOCAL STREET (AS STIPULATED BY THE PRO ZONING). THE DEVELOPER WILL BE RESPONSIBLE FOR ANY MITIGATION OF TRAFFIC IMPACTS RECOMMENDED AS A RESULT OF THE FINDINGS FROM THE TIA.

DEVELOPER PROPOSED CONDITIONS:

- DEVELOPER TO BE GRANTED RELIEF FROM THE 75' REQUIREMENT FOR PARKING SPACE DISTANCE FROM THE RESIDENTIAL UNITS.
- DEVELOPER TO BE GRANTED RELIEF FROM SECOND FIRE/EMERGENCY ACCESS REQUIREMENT.

PIN: 9579-49-0053
Cedar Bluffs LTD Partnership
DB: 1006 PG 14.1
ZONING: PRD
USE: Residential

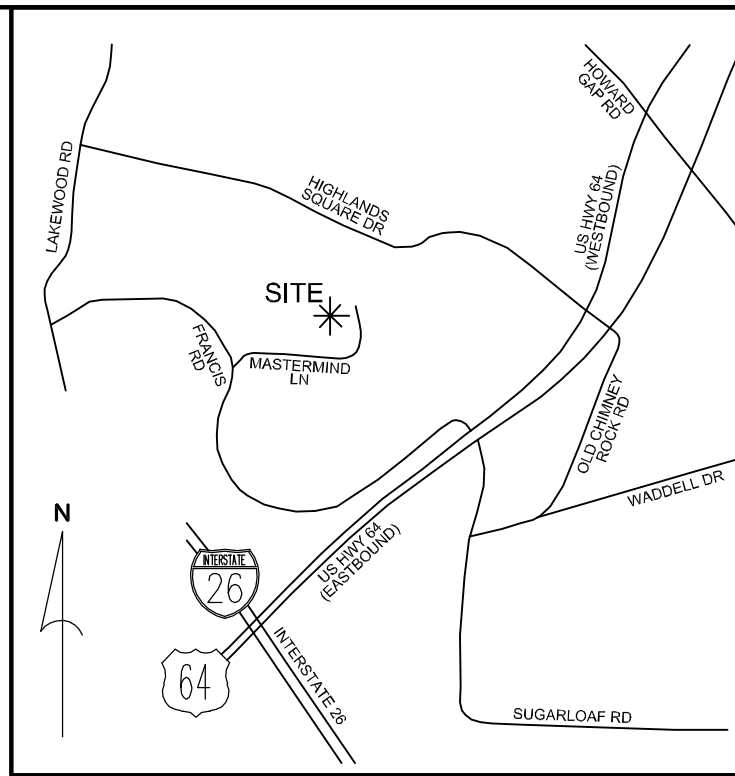
PIN: 9579-59-0614
Wal-Mart Real Estate Business Trust
DB: 1005 PG 03.1
ZONING: PCD
USE: Retail

PIN: 9579-58-3648
Robert D. Williams
DB: 597 PG 32.1
ZONING: R-40 (ETJ)
USE: Vacant

PIN: 9579-48-7422
Bon Worth Francis Road, LLC
DB: 1267 PG 107
ZONING: C-2 (ETJ)
USE: Vacant

PIN: 9579-47-6953
Bon Worth Francis Road, LLC
DB: 1267 PG 107
ZONING: C-2 (ETJ)
USE: Bon Worth Outlet Store

PIN: 9579-48-3336



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: DHIC, LLC
2000 AERIAL CENTER PARKWAY
MORRISVILLE, NC 27560
CONTACT: TOM MARTINSON
(240) 997-4816

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
CONTACT: WARREN SUGG, P.E.
(828) 252-5388

SURVEYOR: ED HOLMES & ASSOCIATES, P.A.
200 RIDGFIELD COURT, SUITE 208
ASHEVILLE, NC 28806
CONTACT: C.M. EDGERTON JR, P.L.S.
(828) 225-6562

ARCHITECT: JDAVIS ARCHITECTS
510 S. WILMINGTON STREET
RALEIGH, NC 27601
CONTACT: LESLIE BLOEM
(919) 835-1500

PROJECT DATA

PIN: 9579-48-2415, 9579-48-6832
ADDRESS: 102 FRANCIS RD, 228 MASTERMIND LN
DEED BOOK/PAGE: 3752/161; 3817/216
SITE AREA: 12.76 ACRES
CURRENT ZONING: C-2/R-40 (CITY ETJ)
PROPOSED ZONING: PRD C2D (CITY)

SETBACKS:
FRONT: 10' (BLDG IN FRONT OF PARKING)
SIDES: 30'
REAR: 30'

DISTURBED AREA: 10.0± AC

PARKING CALCULATIONS:

VEHICULAR:
REQUIRED SPACES: 2 SPACES PER UNIT
99 UNITS

PROVIDED SPACES: 1.9 PER UNIT

HANDICAPPED SPACES: SPACES REQUIRED: 6 SPACES PROVIDED: 6

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
CASITA - 2 UNIT (49)	2 STORIES	20'	3,200 SF
CASITA - 1 UNIT (1)	2 STORIES	20'	3,200 SF
CLUBHOUSE	1 STORY	20'	4,683 SF
MAILROOM	1 STORY	12'	517 SF
GARAGE (3)	1 STORY	11'	1,518 SF

DENSITY CALCULATIONS:

ALLOWED: 127 UNITS MAX - 10.0 UNITS/ACRE
PROJECT UNITS: 99 UNITS - 7.8 UNITS/ACRE

IMPERVIOUS CALCULATIONS:

PRE-DEVELOPMENT: IMPERVIOUS 0.46 ACRES (04%) PERVIOUS 12.30 ACRES (96%)
POST-DEVELOPMENT: 4.70 ACRES (37%) 8.06 ACRES (63%)

OPEN SPACE CALCULATIONS:

REQUIRED: 7.66 AC (60%)

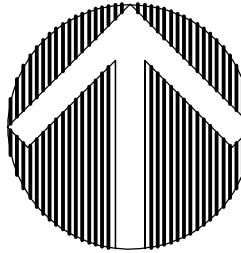
PROJECT ACREAGE: 12.76 AC
SITE COVERAGE - BUILDINGS: -2.09 AC
SITE COVERAGE - STREETS & PARKING: -1.75 AC
REMAIN AREA - PROVIDED OPEN SPACE: 8.92 AC (70%)

COMMON OPEN SPACE:

REQUIRED: 1.28 AC (10%) PROVIDED: 1.28 AC (10%)

LANDSCAPE REQUIREMENTS: SEE L101 LANDSCAPE PLAN

CDC INSPECTIONS HOTLINE:
828-771-4735 OR INSPECTION@CDCGO.COM



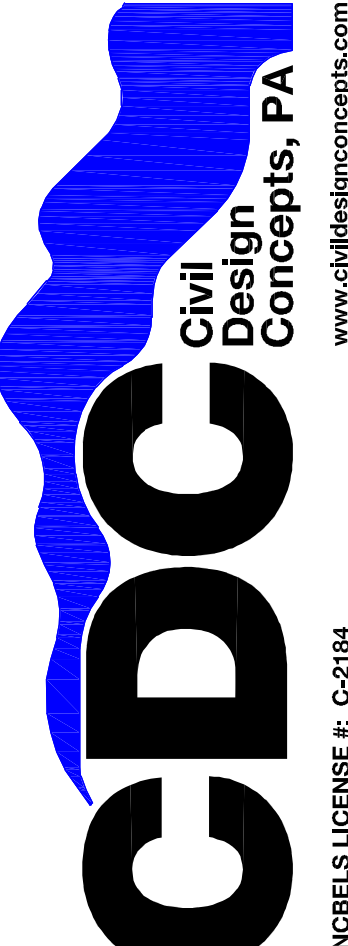
SITE PLAN

GRAPHIC SCALE



168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-5388
FAX (828) 252-5388

52 WALNUT STREET - SUITE 208
WAYNESVILLE, NC 27586
PHONE (828) 455-5474
FAX (828) 455-5466



MAD	CITY OF HENDERSONVILLE C2D SUBMITTAL	REVISED PER PRELIMINARY CITY COMMENTS	REVISED PER PRELIMINARY CITY COMMENTS	REVISED PER PRELIMINARY CITY COMMENTS	DATE	DESCRIPTION
1	06/30/2022					
2	07/06/2022					
3	07/15/2022					
4	07/29/2022					



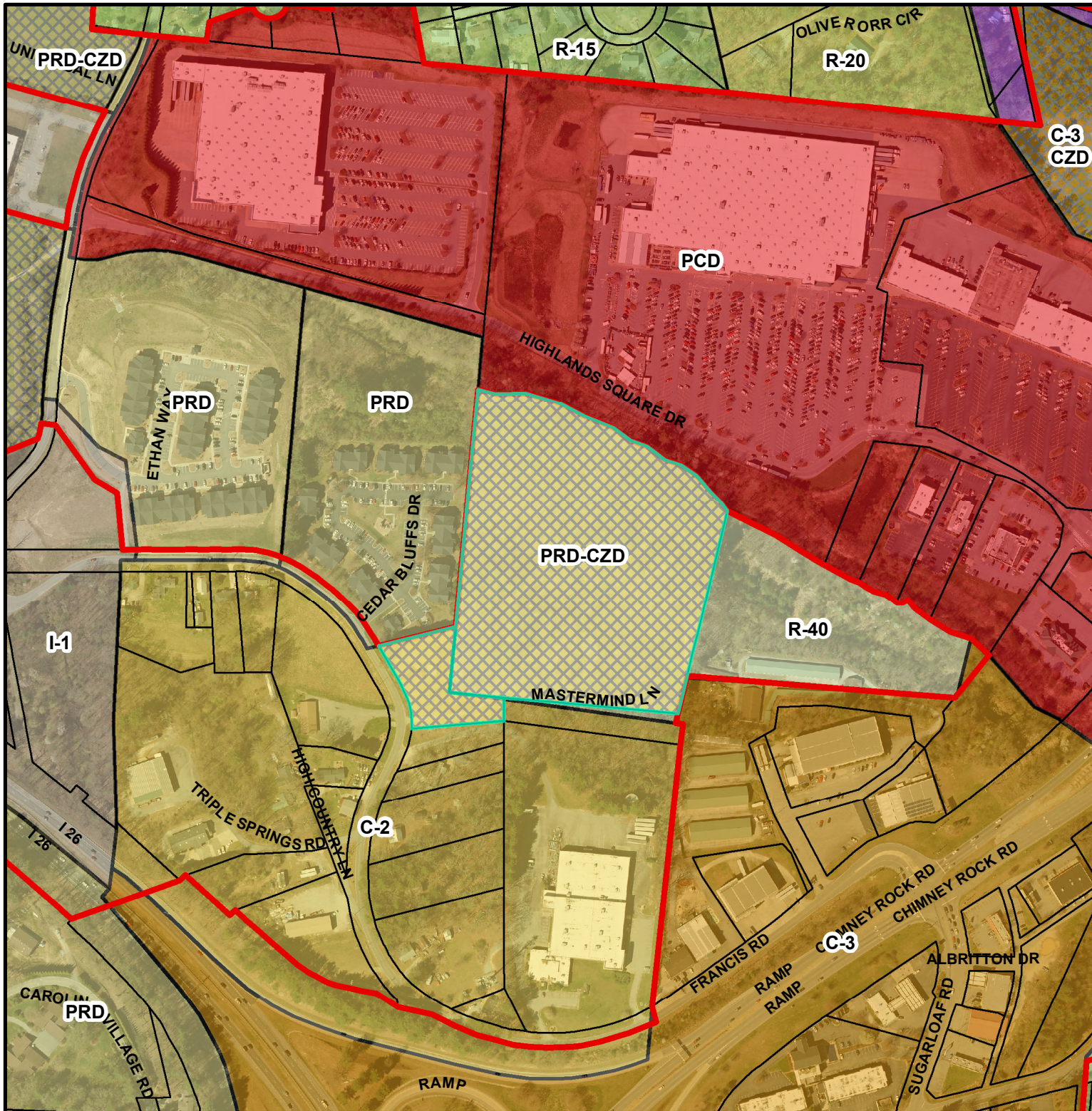
COTTAGES AT MASTERMIND

SITE PLAN FOR: DHIC, LLC - HENDERSONVILLE, NORTH CAROLINA













DRAWN BY: CDC PROJECT NO.: XXX PERMIT NO.

AMP 12211 xxx

SHEET C201



Cottages at Mastermind
P22-055-CZD
PINs: 9579-48-2415 & -6832
Acreage: 12.76
Proposed Zoning
Community Development Department

-  Subject Property
-  Hendersonville City Limits
- Hendersonville Zoning**
-  CZD Conditional Zoning Districts
 -  R-40 Estate Residential
 -  R-20 Low Density Residential
 -  R-15 Medium Density Residential
 -  PRD Planned Residential Development
 -  C-3 Highway Business
 -  C-2 Secondary Business
 -  PCD Planned Commercial Development
 -  HMU Highway Mixed Use
 -  I-1 Industrial



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 9579-48-2415 & 9579-48-6832 BY CHANGING THE ZONING DESIGNATION FROM R-40 (LOW DENSITY RESIDENTIAL) AND C-2 (SECONDARY BUSINESS) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Number: 9579-48-2415 & 9579-48-6832
Addresses: 102 Francis Rd & 228 Mastermind Ln
Cottages at Mastermind (File # P22-55-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Elam Hall of DHIC, LLC. and property owners, The Hammond Family Trust & John Hammond Trustee for the development of 99 residential units on approximately 12.8 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on August 8, 2022; voting 0-0 to recommend City Council deny 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 September 1, 2022, and

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

1. 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: 9579-48-2415 & 9579-48-6832, changing the zoning designation from R-40 (Low Density Residential) and C-2 (Secondary Business) to PRD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Two-family residential
 - ii. Single-family residential
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions therein as submitted and dated _____ [or as modified and presented].
3. This ordinance shall be not be effective until the stipulated 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 1st day of September 2022.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, 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 the imposition of all conditions stated.

IN RE: Parcel Number: 9579-48-2415 & 9579-48-6832

Addresses: 102 Francis Rd & 228 Mastermind Ln
Cottages at Mastermind (File # P22-55-CZD)

Applicant/Developer: <u>Elam Hall, DHIC, LLC.</u>	Property Owner: <u>The Hammond Family Trust</u>
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title: _____	Title:_____
Date:_____	Date:_____

Applicant/Developer: <u>Tom Martinson</u>	Property Owner: <u>John Hammond Trustee</u>
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title: _____	Title:_____
Date:_____	Date:_____



Transmittal

Date: May 20, 2022

Project Name: Mastermind

CDC Project: 12211

Permit #:

To: Tyler Morrow, Planner II
Community Development Department
Planning Division
100 N. King Street
Hendersonville, NC 28972

Via: ☐ Mail ☐ Overnight ☐ Hand Delivered ☐ Pick up @ CDC Office ☒ Digital

Copies	Date	Description
1	05/20/2022	Application Fee
1	05/20/2022	Conditional Zoning District Checklist
1	05/20/2022	Conditional Zoning District Application
3	05/20/2022	24"x36" Concept Plan
3	05/20/2022	11x17 concept plans

Remarks:

Attached is the Conditional Zoning District Concept Plan submittal to request a Neighborhood Compatibility Meeting for the proposed residential project. Please let us know if you have any questions or comments.

Thank you,


Warren Sugg.

S:\ACAD\12211\docs\Planning\submittal parts\Transmittal.docx

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455



**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 **required** 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. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☒ 2. Water and Sewer Availability Request
- ☒ 3. Completed Application Form
- ☒ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☒ 6. Detailed explanation of any Proposed Development Description
- ☒ 7. Application Fee

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]

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N

A. Applicant Contact Information

Tom Martinson
* Printed Applicant Name

DHI Communities
Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Tom Martinson
Applicant Signature

Development Manager
Applicant Title (if applicable)

2000 Aerial Center Parkway
Address of Applicant

Morrisville, NC 27560
City, State, and Zip Code

240-997-4816
Telephone

tmartinson@drhorton.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]

B. Property Owner Contact Information (if different from Applicant)

The Hammond Family Trust; John Hammond Trustee

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☒ Trust ☐ Partnership

☐ Other: _____

John Hammond
Property Owner Signature

Trustee
Property Owner Title (if applicable)

Hendersonville, NC 28792
City, State, and Zip Code

828 699 3117 (c)
Telephone

johnhammond@hotmail.com
Email

* 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.

Note: Additional Owner Signature pages attached.

B. Property Owner Contact Information (if different from Applicant)

John Hammond; Betty Hammond

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

John Hammond Betty Hammond
Property Owner Signature

Trustee
Property Owner Title (if applicable)

Hendersonville, NC 28792
City, State, and Zip Code

828 699 3117
Telephone

john.d.hammond@hotmail.com
Email

* 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.

Note: Additional Owner Signature pages attached.

C. Property Information

Name of Project: Mastermind

PIN(s): 9579-48-6832; 9579-48-2415

Address(es) / Location of Property: 102 Francis Road; 228 Mastermind Lane

Type of Development: ☒ Residential ☐ Commercial ☐ Other

Current Zoning: R-40 (6832) /C-2 (2415)

Total Acreage: 12.76

Proposed Zoning: PRD-CZD

Proposed Building Square Footage: 1,598

Number of Dwelling Units: 99

List of Requested Uses: _____

D. Proposed Development Conditions for the Site

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

A. Applicant Contact Information

Elam Hall

* Printed Applicant Name

DHIC, LLC

Printed Company Name (if applicable)

☐ Corporation

☒ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other: _____

Elam Hall

Applicant Signature

Vice President

Applicant Title (if applicable)

1341 Horton Circle

Address of Applicant

Arlington, TX 76011

City, State, and Zip Code

817-390-1400

Telephone

rehall@drhorton.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]

The City of Hendersonville Planning Board Rules of Procedure Article V, Section 5, gives the Planning Board the authority to establish standing committees as it finds necessary and convenient. Currently, the Board has the following three committees:

CURRENT PLANNING COMMITTEE –

Responsibilities: The responsibilities of the Current Planning committee involve the review of Rezoning (CZDs / Standard Rezoning), Major Subdivisions, and Site Plans. The purpose of this committee is to work to achieve a sufficient level of comfort with the factors involved with these various proposals prior to consideration by the full Planning Board. This will give an opportunity to the Committee members to ask questions and ensure all aspects of the proposal are well understood. The Committee’s work will assist the full Planning Board by having Committee Members who can speak to their understanding of various aspects of each item during the regular meeting. This will also allow staff to identify and focus on the most pertinent factors involved with a proposed project during presentations. It is our hope that this committee’s role will assist in streamlining the work of regular Planning Board meetings.

LEGISLATIVE COMMITTEE –

Responsibilities: The responsibility of the Legislative Committee is to review proposed amendments/revisions to the Zoning Code and Subdivision Ordinance. Members of this committee should have a kin interest in shaping development and the use of language to achieve an intended outcome. Topics coming before this committee are wide-ranging.

LONG RANGE COMMITTEE –

Responsibilities: The responsibilities of the Long Range Committee will revolve around the development of the Comprehensive Plan, Small Area Plans, Strategic Plans, Master Plans, etc. Activities related to this work may include such things as selection of consultants, community engagement strategies, review of data, and identification of focus areas. This committee has a standing meeting date but convenes only as needed.