

**Minutes of the Planning Board
Regular Meeting - Electronic
June 14, 2021**

Members Present: Jon Blatt (Vice-Chair), Neil Brown, Robert Hogan, Peter Hanley, Bob Johnson, Candi Guffey

Members Absent: Tamara Peacock, Jim Robertson, Chair, Hunter Jones

Staff Present: Tyler Morrow, Planner, Lew Holloway, Community Development Director, Matt Manley, Planning Manager and Terri Swann, Administrative Assistant III

- I Call to Order. *The Chair called the meeting to order at 4:02 pm. A quorum was established.***
- II Approval of Agenda. Matt Manley, Planning Manager added a staff update under Other Business. *Mr. Hanley moved for the revised agenda to be approved. The motion was seconded by Mr. Brown and passed unanimously.***
- III Approval of Minutes for the meeting of May 10, 2021. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of May 10, 2021. The motion was seconded by Mr. Brown and passed unanimously.***
- IV Old Business - None**
- V(A) Conventional Rezoning – Application for a zoning map amendment from William Shaffer. The applicant is requesting to rezone the subject properties, PIN 9568-46-9083, 9568-45-9994 and 9568-55-0841 and located on S. Whitted Street, from I-1, Industrial and R-15, Medium Density Residential to R-6, High Density Residential. (File #P21-18-RZO). Mr. Manley gave the following background:**

Mr. Manley stated this rezoning is for a zoning map amendment and is not a conditional rezoning, it is just a straight rezoning. It involves three parcels which are currently split zoned R-15, Medium Density Residential and I-1, Industrial. The proposed rezoning would be R-6, High Density Residential. This property is just under an acre and is currently the site of a single-family residence and a wooded lot.

Mr. Manley showed the survey and pointed out the lots. The applicant would like to add one more residence to the property. Mr. Manley pointed out the structure and the wooded lot and showed the Board photos of the existing condition of the property. He also showed the current zoning map and the proposed zoning map. As a standard rezoning there is not a binding site plan or restriction beyond what is allowed in the R-6 Zoning District.

The proposed rezoning to R-6 would be an extension of the R-6 Zoning District that is prevalent in the area to the east of S. Whitted Street. The property extends along S. Whitted Street from W. Allen to Dale Street and is close to the future Ecusta Trail.

The subject property is classified as Medium-Intensity and High-Intensity Neighborhood on the 2030 Comprehensive's Plan's Future Land Use Map. The primary recommended land uses are single-family attached and detached residential and open space. The Medium-Intensity Neighborhood promotes and encourages walkable neighborhood design.

The rezoning site is located in the Lennox Park National Register Historic District.

The suggested motions are listed.

Chair asked if there were any questions for staff.

There were no questions for staff.

Vice-Chair asked if the applicant would like to speak. Mr. Shaffer stated he would answer any questions, but Mr. Manley did a good job of explaining the rezoning. There were no questions for the applicant.

Vice-Chair asked if there was anyone in attendance that would like to speak. No one spoke.

Vice-Chair asked if anyone on the zoom call would like to speak. No one spoke.

Mr. Hanley moved the Planning Board recommend City Council to approve the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject properties; PIN's 9568-46-9083, 9568-45-9994 and 9568-55-0841 from I-1/R-15 Zoning to R-6, High Density Residential Zoning District based on the application submitted by the applicant finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons: 1. it is in the public's interest to rezone this property, 2. The development will provide additional dense residential zoning, and 3. The proposed zoning is compatible with the area. Mr. Johnson seconded the motion which passed unanimously.

V(B) Conventional Rezoning – Application for a zoning map amendment from Larry R. Maitland and Mary Ann Maitland. The applicant is requesting to rezone the subject property PIN 9569-36-9825 and located at the corner of Asheville Highway and Monroe Drive, from C-3, Highway Business and R-10, Medium Density Residential to C-3, Highway Business. (File #P21-36-RZO). Mr. Morrow gave the following background:

Mr. Morrow stated this is a zoning map amendment application from Larry and Mary Ann Maitland for a rezoning of a portion of a parcel located at Monroe Drive and Asheville Highway. The current zoning is R-10, Medium Density Residential and proposed zoning is C-3, Highway Business. The area to be rezoned is approximately 0.06 acres. This request will remove the R-10 zoning and eliminate the split zoning.

Parcels to the north are zoned C-3, Highway Business and R-10, Medium Density Residential. Parcels to the east are zoned R-10 and include a single-family neighborhood. Parcels located to the south are zoned C-3, Highway Business and R-10, Medium Density Residential and include commercial and residential uses. Parcels located to the west are C-3 and contain commercial uses such as the Blue Ridge Commons Plaza.

The current zoning map and the proposed zoning map was shown to the Board. Mr. Morrow stated as a conventional rezoning, there is no binding site plan or restriction of uses beyond what is permitted by the zoning ordinance. Again, the rezoning is only for a portion of the parcel. The rest of the parcel is currently zoned C-3, Highway Business and can be developed commercially.

The proposed rezoning to C-3 does not currently align with the Comprehensive Plan's Future Land Use map with the designation of Medium Intensity Residential. Commercial uses are not recommended under this designation. If City Council chooses to rezone the property to C-3 then the Comp Plan would also need to be changed to Neighborhood Activity Center. This change is included in the motion.

Photos of the existing site were shown. There are established trees on the property. A survey of the property was also shown. Mr. Morrow stated a lot line adjustment was made on the site and prior to that the whole parcel was zoned C-3. When you move a lot line, the zoning does not move with it, therefore they are requesting this rezoning. They are cleaning this up so that the parcel will not be split zoned. Any construction on the parcel would have to go through the site plan review process with the City.

Vice-Chair asked if there were any questions for staff.

Mr. Johnson asked if access to this property would be off of Monroe Street. Mr. Morrow stated yes, access would come off of Monroe Street. The applicant is working with NCDOT.

Ms. Guffey asked if the commercial traffic will be re-routed onto the residential street. Mr. Morrow stated yes, they would not come off of Asheville Highway.

Vice-Chair asked if there were any further questions for staff. There were no further questions. Vice-Chair asked if the applicant would like to speak.

Mary Ann Maitland, 452 beach Drive stated they would not be removing any trees. Ms. Guffey asked about the access being from Monroe Street. Ms. Maitland stated yes, the access would come off of Monroe Street but the traffic will not actually go through the residential area.

Vice-Chair stated this is not site specific and it could be something different.

Vice-Chair asked if anyone on the zoom call or in attendance would like to speak. No one spoke.

Ms. Guffey stated she was concerned about bringing the commercial traffic into a residential area. Ms. Maitland stated this will not receive a lot of traffic, it will be an office/commercial proprietor.

Mr. Manley stated the property is currently zoned C-3 except for a small portion to the east. They currently could use the portion zoned C-3 for a commercial use.

Mr. Hanley moved the Planning Board to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of the subject property (PIN 9569-36-9825) from R-10, Medium Density Residential to C-3, Highway Business based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map this motion also amends a portion of the subject parcel's Future Land Use designation from Medium Intensity Neighborhood to Neighborhood Activity Center. Furthermore, finding the rezoning is reasonable and in the public interest for the following reasons: The rezoning will make the zoning on the subject property more uniform with surrounding properties. Mr. Johnson seconded the motion which passed 5 in favor and 1 opposed.

- V(C) 160D Update** – Mr. Manley stated the 160D revisions for the Zoning Ordinance, Subdivision Ordinance and Chapter 40 of the City Code are all updates per the North Carolina General Statutes. There is a proposed motion for reference which should include the Zoning Ordinance, Subdivision Ordinance and Chapter 40 of the City Code in the motion. Mr. Manley introduced Scott Adams, Regional Planner from Land of Sky.

Scott Adams briefly went through the changes and explained the 160D update that is a new state law has a deadline of July 1, 2021. That is the date the changes need to be adopted by. He went through the must changes and the may changes and stated another round of changes to clean up the zoning ordinance may come at a later date.

Vice-Chair asked if there were any questions.

Mr. Johnson had questions about the term width being changed to depth in Section 5-23-4-2.2 on page 75. Mr. Adams stated the term depth is typically used in urban design standards. Mr. Johnson asked about microbreweries and the number of barrels changing. Mr. Adams stated this number increased per state law.

Mr. Brown asked about crafting conditions of approval and the section that addresses that in the National Law Review. He talked about these stating conditions should be negotiated prior to the meeting and did this apply to the Planning Board or City Council or both Boards. Mr. Adams stated both Boards and conditions should be discussed in advance of a meeting.

Mr. Johnson asked about the definition of standing. Angie Beeker, City Attorney explained the definition of standing and what it means to have standing in court cases and in public hearings.

Vice-Chair asked about quasi-judicial hearings and the Planning Board having them. Some discussion was made about the Planning Board being a part of Special Use rezoning and this was all before the Conditional Zoning District process was put in place.

Mr. Hanley moved the Planning Board recommend to City Council to approve the adoption of an ordinance amending the official zoning code of the City of Hendersonville, the City of Hendersonville Subdivision Ordinance and Chapter 40 of the City of Hendersonville Code of Ordinances to reflect required revisions based on changes to North Carolina General Statutes in which laws related to enabling statutes for development regulations, formerly found in Chapters 153A and 160A, are now consolidated into a single, unified Chapter 160D. Mr. Hogan seconded the motion which passed unanimously.

- VI Other Business.** Mr. Hanley made a motion to adopt the annual schedule of meetings for 2021-2022. Ms. Guffey seconded the motion which passed unanimously.

Mr. Manley gave an update concerning the lighting ordinance that was presented to City Council. He also gave an update of the residential projects that would be coming before the Board in the summer months.

- VII Adjournment – *The meeting was adjourned at 5:06 pm.***