

**Minutes of the Planning Board
Regular Meeting - Electronic
October 11, 2021**

Members Present: Jim Robertson, Chair, Neil Brown, Candi Guffey, Peter Hanley, Bob Johnson, Tamara Peacock, Barbara Cromar

Members Absent: Hunter Jones, Robert Hogan, Jon Blatt (Vice-Chair)

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

I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.*

II Approval of Agenda. Chair stated the application for Half Moon Heights would be moved to the first item under New Business. *Mr. Hanley moved for the amended agenda to be approved. The motion was seconded by Mr. Johnson and passed unanimously.*

III Approval of Minutes for the meeting of September 13, 2021. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 13, 2021. The motion was seconded by Mr. Brown and passed unanimously.*

IV Old Business - None

V New Business

V(A) Conditional Zoning District – Application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicants and Triangle Ballantyne Hendersonville, Inc, property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 101 single-family homes on approximately 33.65 acres. Mr. Manley gave the following background:

This is a major subdivision. The applicant is Half Moon Landings, LLC and the property owner is Triangle Ballantyne Hendersonville, Inc. Chair asked that everyone be respectful during public comment time. Mr. Manley stated the site is under 34 acres and is located off of Chimney Rock Road. It is currently zoned PRD CZD and the proposed zoning is PRD CZD. The number of lots has changed from the original 101. The site plan has been revised and he will let the applicant speak on this. A Neighborhood Compatibility meeting was held on September 1st and had a significant turnout. There were 50 to 60 that attended in person and several attended via zoom. There were 26 pre-submitted comments. Topics of concern were environmental impacts, impact on views, potential flooding, stormwater management, traffic through Wolf Chase via Half Moon Trail, increased traffic from Ballantyne Commons, reduction of property values, issues with Wolf Chase walking trail and lack of greenspace.

Mr. Manley discussed the elevation at the highest point being 2,332 feet. He showed photos of the existing property and explained the access to the site. He pointed out the Duke transmission lines and Duke right-of-way. He also showed a photo of Corn Mountain and Gypsy Lane access.

The current zoning and land use map was shown. The location is primarily designated as Medium Intensity Neighborhood according to the City's Future Land Use Map. The Natural Resource/Agricultural designation is also present due to the presence of floodplain on a portion of the Wolf Chase and Wolf Penn developments. Business Center designation is also found on Chimney Rock Road, adjacent to the property. Medium Intensity Neighborhood is to provide a transition between High and Low Intensity Neighborhood. This designation encourages walkable neighborhood design with at least 60% open space in new developments with two to eight units per gross acre. Henderson County's Future Land Use Map designates a portion of the subject property and the neighboring Corn Mountain Estates as Conservation area due to the steep slopes, elevation and mountain view in this location. The Henderson County Land Use Map was only used to understand the slopes being impacted and should not affect the decision made today. There are several proposed development challenges due to the Natural and Environmental Resources – Chapter 3 of the Comp Plan concerning the large, wooded track and slopes. This chapter focuses on retaining quality open space and preserving the woodlands.

Chapter 7 focuses on transportation and circulation and the connection to adjoining properties. Staff asked the developer for a connection to Gypsy Lane, but the developer stated the 10% grade that connects Gypsy Lane would make a connection impossible. A pedestrian connection could be used to connect to the adjacent properties. Mr. Manley pointed out the ravine on Half Moon Trail.

A tree survey was done and there are a large number of trees on the property. There are 925, 12" caliper or greater. They are proposing to preserve 247 or 27% that are greater than 12" in diameter. Of the trees proposed to be preserved 66% are Pine. They are proposing to remove 678 or 73% of the trees on site greater than 12". Of the trees proposed to be removed, 57% are hardwoods.

The site plan will be modified slightly with connections along Half Moon Trail to be shown. The whole parcel is owned by Ballantyne Commons and was part of Phase II of the development. Nothing was proposed for this site, but it was supposed to be part of the multi-family development.

Mr. Manley stated they plan to have a pedestrian connection on Gypsy Lane. This is a requirement from the Subdivision Ordinance. The Planning Board can make recommendations but cannot offer conditions varying from the Subdivision Ordinance. Variances from the Subdivision Ordinance must be approved by the Board of Adjustment.

The Design Review Committee reviewed this and consist of staff from Public Works, Engineering and Water and Sewer, Fire and Police. This project is generally compliant with the Zoning Ordinance. The developer has worked hard to bring this into compliance with the Comp Plan.

The Tree Board also reviewed this project. Several residents from Wolf Chase and Wolf Penn attended the meeting and voiced concerns. The Tree Board made a motion that varied from their conventional approach. The Tree Board noted that the development is incompatible with Chapter 3, Section 3.3 Goals and Strategies NR-1 but made a condition that the developer protect the trees that they have proposed to save in accordance with Section 15-4 C Protection of the Existing Trees of the Zoning Ordinance and all new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.

Staff has 8 recommended conditions and has talked with the developer about them:

1. Size the stormwater systems to retain runoff for at a minimum a 25-year event,
2. Utilize Low Impact Development practices through incorporation of pervious concrete for sidewalks and driveways.

3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance. – *The developer proposes to use silt fencing as opposed to the specific fencing requirements as stated in Section 15-4 of the Zoning Ordinance.*
4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.
5. Recess garages or shift parking to rear of lots. Make front porch the primary architectural feature fronting the street. – *The developer proposes that a majority of homes will have recessed garages with the front porch being the primary architectural feature.*
6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop.
7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR -2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas. *The developer has a counter proposal to address here tonight.*
8. Provide ROW connection to Gypsy Lane to accommodate pedestrian connection and utility connections (per City Code).

There were 17 pre-submitted comments that have been printed and given out to the Planning Board members and are part of the record.

Mr. Manley stated staff had discussed a variance from the Board of Adjustment concerning the steep slopes section of the Subdivision Ordinance. He explained the slopes and percentages. He also stated based on the email he received today from the developer; they will not need to pursue the variance. Staff has not yet reviewed any proposed changes yet.

Chair asked if there were any further questions for staff.

Chair asked about the current property owner being Ballantyne Commons. Mr. Manley stated they are the current property owners, and this was part of a Phase II development. They did not show any specifics or layout in the approval but would return when they were ready to submit the plan.

Mr. Johnson asked for a clear definition on pervious concrete. Mr. Manley stated it is the same standards as concrete, but it allows the water to runoff easily.

Joe Schlotterbeck, developer stated he was born and raised in Fairview, NC. He explained to the Board how the project has evolved. The first plan (which was never submitted) had 121 lots. Those numbers have been reduced due to feedback. He explained the cul-de-sac on the southern side and the sidewalks would go along the property lines. He feels connectivity is important. They now connect to Half Moon Trail. They went from 107 lots to 101 lots. The received feedback from the Planning staff on the grading plan. The slopes are detrimental to the environment and they have addressed this.

A fourth design was done after the Tree Board meeting. They asked to leave the animal corridor and leave as much vegetation as possible and now they are down to 95 lots. He stated concerning the 30% zone, the animal corridor is a narrow corridor with trees growing through the property. They plan to leave the connectivity for the animals. He pointed out the green section on the site plan as the 30% slope with the

ravine. They plan to leave a connectivity through there to the undeveloped property. This would leave a connection for future development.

There were concerns and feedback about the project not having enough amenities. They have now included a dog park and a playground for children. These areas will be on top of the underground stormwater system. All water collected will go in the underground storm tech system. It is similar to a septic system and has stacked chambers. They plan to locate the system where the property has already been cleared. As far as condition 8 and the connectivity, they have no problem doing this.

He showed the tree survey with the site map on it. They are keeping the area 65 to 70 feet and leaving as much as they can but would like to change the Tree Board condition to use silt fencing. They plan to replant the site and make it beautiful.

They will be making seven lots with basements to be able to stay out of the 30% area as much as possible.

The first submittal was 107 lots with 3.18 units per acre. They are down to 2.82 per acre. They had 60% open space but now have 74% open space. They were at 30% proposed impervious surface and are down to 26.6% on that. Common open space is 10.7% required and they have 21.4% now.

They plan to implement a hiking trail and leave it natural. They do not have the specifics on this yet, but they plan to make it part of the community.

The largest challenge is the conservation of the natural habitat. They have 925 trees, and he has sat through numerous project meetings and he feels they have more trees on this site than any other development has had. They were removing 678 trees but now plan to remove 637 and preserve 41. He discussed the zoning ordinance credits on preserving existing vegetation. He stated 29 street trees are required and they will be planting 310 trees. No buffer is required but they plan to plant 219 buffer trees. They will have a total of 624 trees planted. They have 20.6 times more trees than are required.

They realize they are having a large impact on the site and they want to do the right thing when developing the property. He understands that Wolf Chase has concerns about the stormwater and flooding and run off but they have homes that are built in the 100 year floodplain. Staff asked for a 25-year stormwater system and they have agreed. Their engineer is currently designing the system.

He asked that the Board members google pervious concrete. This concrete soaks the water right into the ground. They plan to use pervious concrete on the driveways but cannot use it for the sidewalks. They have also reduced the size of the homes to 40' x 60'. In areas where 15 to 25% slope was allowed this was already met by the ordinance. They made the number work by reducing the size of the house and increasing the lot size. Impervious is required to not be over 30% and they are at 22%.

Mr. Johnson asked about the details of the sidewalk and a planting strip. Mr. Schlotterbeck stated he does not have that information yet.

Mr. Brown asked about the proposal for the #5 condition, does he know yet which homes will have the recessed garages and front porches. Mr. Schlotterbeck stated he was not sure yet. They are still working on that.

Mr. Schlotterbeck stated every condition increases their cost and he is trying to keep the homes affordable. He explained construction costs now and how that is going to increase the price of the homes.

Chair discussed saving the trees. Mr. Schlotterbeck stated they are trying to preserve as many as they can. They saved the trees in the cul-de-sac but lost 6 more trees. They gained 12 to 15 trees by eliminating the cut on the other side of the street.

Chair asked him to talk about the silt fencing for the trees. He understands that is a large area but when you have only a silt fence right up to the tree itself, it does not always protect the tree. Mr. Schlotterbeck stated he understands the value of planting more trees but using 2 x 4's instead of fencing is not cost efficient. They are open to using a second fencing for erosion control. Chair stated a large majestic red oak tree will need more than fencing to protect it. They need to work with city staff for extra protection.

Lew Holloway, Community Development Director stated they need to be as clear as possible on the conditions. City Council and the developer will have to agree on them.

Chair asked about Half Moon Trail coming in from Ballantyne Commons. Mr. Manley pointed out where the city will pick up and maintain the street now.

Mr. Schlotterbeck stated they are only buying the property if this street remains opened. He discussed Rustling Pines Lane as another connection to 64 if there were any future development. He explained building the development in phases.

Chair asked about the hiking trail connectivity and if they would be open to letting other developments use it. Mr. Schlotterbeck stated the HOA for Wolf Chase has zero interest in using their trails and with the cost to maintain it, he would do the same with his hiking trail, but he is open to discussing it. Mr. Manley stated the trail could be made a condition and they could leave the use to be resolved over time.

Chair asked if there were any further question for the developer. There were no further questions.

Chair opened the public comment time and asked that anyone wishing to speak would come forward and state your name and address for the record.

Patricia Gore, Wolf Pen stated she looked up the concrete and that type of concrete had a lot of soil and maintenance problems. Asphalt is very expensive, and she is concerned what will happen in 5 to 10 years. She also was concerned about why they are taking down the hardwood as opposed to softwood. She also has standing water behind her house when it rains. There is a steep hill behind her house, and it looks like a creek rising when they have heavy rain. The water comes up to her shin. She also thanked the developers for listening to their concerns.

Joanne Hobson, 45 Foxtail Court stated she is concerned about 190 vehicles exiting Half Moon Trail and heading westbound on 64 and with school buses and traffic heading westbound will be a nightmare. How will they be able to exit safely adding 190 more vehicles out of her neighborhood? If they come through Ballantyne Commons, they will have to turn east and cannot go west. She is very concerned about the traffic.

Lois Van Reese, 131 Creekwalk Lane stated is it legal to drive on a private street. People do not like to drive through parking lots and once Half Moon Trail becomes a city street it will add another 180 cars coming down from Ballantyne Commons to use as a cut through. She stated the Board has received 17 letters and she would ask that they read each one.

Janice Mallindine, 135 Creekwalk Lane stated this project has received plenty of public interest. At the meeting on September 1st a petition was given to the city and now more people want to sign it. Objections were made by the residents and it made the front page of the Times News. Multiple letters were sent to the Tree Board and they voted against it. The environmental impact of removing the trees makes this

dangerous. Everyone knows they will not replace the trees with mature trees. The wildlife lives in the area and the City Code states it is to be protected but you never heard anything about that. As for the 25-year stormwater system, the 25-year event is happening now due to the climate change. It will not be enough to handle the water. They have flooding on Foxtail Court up to their homes now. This will loosen the soil on a steep slope and as you can see from Haywood County that will cause major damage and massive problems. The water fills up in the culvert now so that you can't even see it. They had a stormwater expert look at the culvert and it not channeling water and no state will do a multi-million project for any development to fix the culvert issues. This will also increase traffic and have a negative effect on Half Moon Trail. The gate is for emergency vehicles only and people have smashed their cars into it trying to get through it. City trucks don't even plow Half Moon Trail and school buses do not use it. They stop on 64 for elementary, middle and high school children. This is not safe. Traffic is already difficult, please don't put more traffic on this road. She understands the importance of building homes but build them somewhere else. She encourages the developer to find flat land in the county and not put the neighbors in danger. Please say no to Half Moon Heights.

Lisa Better, Wolf Pen stated she is concerned about the security. She lives in a gated community and would like for the trees to be left there. She lives right at the Duke easement and kids come into her backyard all the time. She would like the developer to consider planting trees along the easement.

Joseph Culotta, 38 Foxtail Court stated cars come down that hill to Half Moon Trail and throw on their brakes and try to smash through the gate now. He wants the developer to leave the gate there and keep them sperate from Half Moon Heights. It just makes a mess and is difficult to get onto 64. Keep the gate there and let them build their own drive.

Gus Martschink, 40 Snowy Egret Way stated his property line abuts this area and there are a lot of boulders on the property. If he was to fall, he would roll all the way to the street because the property is that steep. There is already a lot of water and water will move down quickly. He would like the Board to read all 17 submitted comments before making a decision. He is a volunteer chaplain at Pardee Hospital, and he has a real estate license that he does not use so he understands development. When he is called into the hospital families are experiencing the worst event in their life and he is tired of people dying unexpectantly. Accidents will happen but not unnecessarily by a lack of vision on what is appropriate and what is not. This could be life lost on the act of stupidity. The Board has an opportunity to fix that. Look at the entrance into Wolf Pen and how fast people drive into their gated community. This is more development than the traffic can handle. He has had conversations with the developer, and they are nice people, but this is a case of being in the right church but in the wrong pew. It is just not going to work. The City of Hendersonville does not have a park on the west side of I-26 so make this area a nice park. He respectfully asks the Planning Board to stop it right here. He showed a photo of the sign stating Hendersonville is a 30-year Tree City USA from the Arbor Tree Foundation growth award. If we keep building, we will lose this distinction. This is a wonderful place to live but you cannot clear cut mature trees that have strong roots and replace them with sticks. They have no root system. Please stop this project.

Chair asked if anyone else would like to speak. No one spoke.

Chair opened the public comment via zoom.

Lurah Lowery, Times News reporter asked about the changes made to the square footage of the homes and if they would still be two-story homes with three bedrooms and two baths and a two-car garage.

Kathy Cervone, 100 Brookstone Court stated the developer was promoting it as workforce housing and people making \$15 to \$20 an hour cannot afford a \$375,000 home. She stated connecting the green space and the trails would be a problem as they have insurance on the trail and that may increase their insurance rates.

Ms. Lowery asked if the lot sizes have changes.

No one else spoke via zoom.

Chair asked if anyone else had any questions or would like to speak. When no one spoke, Chair closed the public comment time.

Mr. Hanley asked if the developer planned to put any fencing. Mr. Schlotterbeck stated no.

Ms. Peacock asked if the landscaping is binding. Mr. Manley explained that this is just a conceptual plan. The final and binding site plan would come after City Council approval.

Ms. Cromar wasn't clear on the recessed garages. Was that mandatory? Mr. Manley explained the Comp Plan guideline on this. Ms. Cromar asked if they could add mandatory conditions. Mr. Manley stated they cannot make mandatory conditions.

Discussion was made on the recessed garages and adding the garages to the rear. Mr. Schlotterbeck stated there is not enough room to put the garages in the rear. It would not be feasible nor cost efficient. It is more cost efficient to have the garages by the road. They plan to have recessed garages for the majority of the homes, and this was a condition proposed by the developer.

Ms. Cromar asked about the stormwater system being placed under the playground and when it would be installed.

Gary Davis, Civil Engineer for the project explained the stormwater ratio and the rate to detain the water. He described the chamber size and how stone would be placed around it. They are able to build the playground on top of the system without compromising it. He discussed water quality and water quantity. They will install each system per phase and will not construct it right away.

Mr. Schlotterbeck stated the sidewalk will not have the pervious concrete with there being maintenance issues, but they will be well under the 30%.

Mr. Manley stated a TIA was triggered. There were two rounds to this one. The City's consultant had revisions and those were addressed and resubmitted. No mitigation was submitted. A declaration lane was not required at Half Moon Trail and it did not require a signal light. This was reviewed by the City's consultant and they concurred.

Discussion was made concerning the school bus traffic and having a bus stop located where the cluster mailboxes will be. Ms. Guffey asked what time of the year the study was done. Was it done during Covid and when school was in session? Mr. Schlotterbeck stated it was done in May and school was not in session. He reached out to NCDOT and they have no traffic data for Covid.

Discussion was made on when the gate is opened having speed bumps or something to slow traffic down. Mr. Holloway stated speed bumps may not be feasible for when the street needs to be plowed. This will have to be addressed by Public Works.

The boulders on the property were discussed. Mr. Schlotterbeck stated he plans to use them for landscaping.

Mr. Schlotterbeck stated the lot size will be 7,400 to 7,500. He also stated he never tagged the homes as affordable housing, he tagged them as semi-affordable.

Mr. Brown stated he is not comfortable with the conditions and he suggested deferring the application until November and bringing it back. He just is not comfortable with the conditions yet and would have to vote no right now.

Mr. Schlatterbeck stated the way the property is currently zoned they could have up to 10 units per acre. Some adjacent properties already have 12 to 15 units per acre. He is asking for 2.8 units per acre and feels it will match nicely with the adjacent surroundings.

Mr. Manley stated if the Board needs more time, they are welcome to do that. They can defer the motion to next month. They would have to open the public hearing again. Mr. Manley stated by right they could have 10 units per acre and could be approved for up to 18. He is asking for 2.8 units per acre.

Ms. Guffey felt like there was a lot of new information given today and she would prefer to defer the motion to next month. Ms. Peacock agreed that she was not totally comfortable yet.

More discussion was made concerning the conditions and #7 concerning the 30% slope. No development can occur on greater than 30% slope and the developer has proposed constructing basements on some of the homes reducing the slope on the lot. Mr. Schlatterbeck stated there are about 6 or 7 lots that will have basements.

Chair asked if the Board could agree on the conditions can staff work with the developer on them. Mr. Manley stated this was only at the preliminary site plan level. City Council will see a more detailed plan.

Ms. Guffey had concerns about the flooding and stormwater. She stated when Publix was built the plans all seemed good but now the flooding is still bad during heavy rains. While it may seem good at the time, it not always is.

Ms. Peacock stated the Tree Board summarized their objections. Are the Board members good with the changes now? Mr. Manley stated he cannot speak for the Tree Board. He stated the plan has greatly improved and changes have been made. The developer has worked hard to improve the plan. Mr. Manley stated the need for housing is great in Hendersonville. He knows the Board has difficult decisions with the impact to the environment but there is existing infrastructure in this area.

Mr. Johnson stated he is not comfortable with the tree issues. Mr. Manley stated the Tree Board took a different stance than normal. They made the statement that it was incompatible with the environmental standards, but they also added conditions if it moved forward. Mr. Holloway stated the Tree Board is authorized to make recommendations to City Council. Staff did include that in the Planning Board staff report for them to look at, but the Planning Board is to review the application for the Zoning Ordinance and Subdivision Ordinance requirements and not based on the Tree Board recommendation. You are an independent body making your recommendation to City Council.

Mr. Brown felt like they needed more time. Mr. Manley suggested they move on to the next item and come back to discuss this one. Mr. Holloway stated they are making recommendations on conditions that both City Council and the developer have to agree on.

Mr. Hanley moved the Planning Board recommend City Council to approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN #9680-00-1446 from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD Planned Residential Development Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted Uses shall include; Residential Dwellings, Single-family. Conditions that shall be satisfied prior to final site plan

approval include: 1. Size the stormwater systems to retain runoff for, at a minimum, a 25-year event (Stormwater Administrator). 2. Utilize Low Impact Development practices through incorporation of pervious concrete for driveways (NR-3.2/Stormwater Administrator). 3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance (Tree Board). 4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects (Tree Board). 5. Recess garages or shift parking to rear lots. Make front porch the primary architectural feature fronting the street (PH-3.1.1). 6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop. 7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR- 2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas (NR-2.3). 8. Provide ROW connections to Gypsy Lane to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code). This condition is subject to change based on potential impact of previous condition (Condition #7). Finding that the rezoning is consistent with the Comprehensive Plans Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons: 1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (Chapter 8 LU-6.1). 2. Single-family detached is a primary use stated in the Land Use & Development Chapter (Chapter 8 – LU-6.2). 3. The proposed density of the development (2.8 Units/Acre) is in line with the Land Use & Development Chapter's guidance off 2-8 Units/Acre. (Chapter 9 – LU-6.4). Chair added the condition that the developer work with City staff on designing a nature/hiking trail that has the ability to provide connectivity to other neighborhoods. Mr. Hanley amended the motion to include the condition. Ms. Cromar seconded the motion. The vote was 6 in favor and 1 opposed. Motion passed.

The Planning Board took a five-minute recess at 6:47 pm. Chair called the meeting to order at 6:52 pm.

- V(B) Conditional Zoning District - Application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the construction of a 126,913 sq. ft. mini-warehouse facility on approximately 8.24 acres.** Mr. Morrow gave the following background:

Mr. Morrow stated this subject property is on two different PIN's. The current zoning is C-3, Highway Business. The proposed zoning is C-3 CZD, Highway Business Conditional Zoning District. Both PINs combined at 8.24 acres. The applicant is asking that mini warehouses and all other permitted uses in C-3 be permitted. This project required a conditional rezoning due to the redevelopment of floor area exceeding 50,000 square feet. This is coming before the Planning Board due to the size of the building.

A Neighborhood Compatibility meeting was held September 1st. Questions centered around the ownership of the property, storage units on the front of the property, RV/Camper storage and if there is a need for another storage facility.

Parcels to the north are zoned C-3, Highway business and C-2, Secondary Business and contain commercial uses such as the Best Western Hendersonville Inn and El Paso Mexican Restaurant. Parcels to the east are zoned C-3 and PCD, Planned Commercial Development and include the Ramada Inn and Hampton Inn. Parcels to the south are zoned C-3, Highway business and CHMU, Commercial Highway Mixed Use and contain Cascades Mountain Resort. Parcels to the west are zoned C-3, Highway Business and contain Interstate 26.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, south and east as Regional Activity Center. The area to the west is not designated since it encompasses Interstate 26. Other parcels to the east are classified as High Intensity Neighborhood and Business Center.

Regional Activity Center's goal is to meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects. The growth management priority centers around infill areas to encourage infill development on remaining vacant lots and redevelopment of underutilized or undeveloped properties. This is a redevelopment and the Comp Plan encourages infill development. Not only is it Regional Activity Center but it is also a priority infill area. This use is not specifically stated so that throws a wrench into things.

Existing site photos were shown. There is an alley encroachment at the top corner of the property. This right-of-way is not maintained by NCDOT. They have abandoned the alley.

A site plan was shown. The World of Clothing building is 100,936 sq. ft. The office building in the front is 5,249 sq. ft. The new canopies will total 48,200 sq. ft. And the total square footage for the structures on the site will be 154,385 sq. ft. The site plan shows four new canopy structures and the interior storage units is 1,200 max. There are 73 exterior canopy storage units.

A total of 61 parking spaces is required. The developer has provided 64 parking spaces. There is vacant land in the northeastern portion of the property. The applicant is not using this area for open space, parking, or access area. The applicant wants to leave this area unattached to the requirements of this development so that it could potentially be developed in the future. It will still be connected to the CZD and would have to come back for approval for any new development.

The northwestern corner of the building is encroaching into the right-of-way and setback. The structure is considered a nonconforming structure as outlined in Section 6-2-2 of the zoning ordinance. The applicant is planning to correct the nonconformity.

The Design Review Committee reviewed the project, and it is generally compliant and supported by the Comp Plan.

The developer has proposed a condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implemented everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-foot-wide travel lanes and be provided with a ten foot wide parking lane. All portions of the site shall be readily accessible by police and fire equipment and personnel. The reason the applicant is proposing this condition because this is an existing site and he would have to reconfigure.

Staff does not have any proposed conditions for this development.

The Tree Board recommends a type B buffer along the rear property line, adjacent to the _26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. The developer had stated he would look into this.

There was one public comment submitted. It stated: *BEST WESTERN HENDERSONVILLE INN objects to the proposal as shown on the drawing. There should be a significant set-back from the driveway that separates this property and the Best Western property. The set-back should apply to buildings and fences. Thanks for making our objection known.*

Mr. Hanley asked what a Type B buffer is. Mr. Morrow stated it consists of four broad canopy trees, 25 evergreen shrubs and 33 flowering shrubs. This would be a visual buffer between the building and the ramp. Ms. Cromar stated there is not a buffer requirement when two commercial properties abut one another but this will leave the people at the hotel staring at mini storage, could they make this a condition? Mr. Morrow stated the pavement is already existing and that would mean they would have to tear all that pavement up.

Ms. Cromar asked who was responsible for the alleyway. Mr. Morrow stated he is not sure who is responsible for it, it is a private alley. This would be a legal question but the city is not responsible for it.

Mr. Johnson asked if there is an issue with the hotel's objection. Mr. Morrow stated the hotel wanted to see the buildings placed farther away but the canopy structures do meet the setback requirements and the other buildings are already on the property.

Ms. Peacock asked how they are resolving the encroachment issue. Mr. Morrow state the applicant can speak to that.

Discussion was made about the side fee in lieu. There are no sidewalk there now and it could be difficult to put them in. The City Manager can approve a sidewalk fee in lieu.

Ms. Cromar asked if the new owners will comply with the ADA requirements and changes to the buildings. Mr. Morrow stated that is handled through the Building Inspections Department and is part of the building code requirements. They will have to meet the requirements of the building code for the upfit and also the fire code requirements.

Chair asked if there were any further questions for staff. There were no further questions.

Daniel Renckens, Canvass Capital, LLC stated SafeNest Storage is their brand and they have a facility off of Naples Road. He wanted to stick with the C-3 zoning as it is permitted by right. This is a growing market and they take very good of their facilities. They have over 25 employees and are based in North and South Carolina. He stated during the pandemic, the World of Clothing had to shut their doors. The business closed in April and had been in business since the 80's. He stated with all the residential development happening in the City of Hendersonville there is a growing need for self storage, 11% of households rent a self storage unit and some have long waiting lists.

Mr. Renckens stated they plan to improve the aesthetics of the building. They are adding security and landscaping and also fences and gates to the plan. They plan to have cameras on the building. They will not be removing trees and they are adding a lot of landscaping. They will have vehicular use landscaping. He stated as far as the Tree Board's recommendation, that buffer would have to be placed near the fence on the I-26 side but they only own a 20' strip of grass in front of the building. The rest of that land is right-of-way. A stormwater pipe is in that location and the condenser units and it would be difficult to maintain those. He does plan to paint the side of the building.

Ms. Cromar asked if he would be using the whole building. Mr. Renckens stated yes and he will paint the whole building and clean up the parking lot.

Mr. Renckens discussed the two-way traffic mitigation and placing the smaller units at that entrance. He also stated they are in the process of figuring out the encroachment issue before purchasing the property. He does have an attorney looking at this and will keep the city staff updated. Putting a sidewalk in the front may be an issue as there is a steep slope and an embankment. They are still exploring if they will build the sidewalk or ask for a fee in lieu. They will meet all ADA requirements once they start retrofitting the interior.

Ms. Cromar asked about the lighting at night. They will be providing lighting. Discussion was made about the Dark Sky requirements. Mr. Renckens stated they had a lighting audit performed two weeks ago and they plan to have LED upfits for the lights. Mr. Brown asked if the lights would be tucked up under the canopies and act as a shield. Mr. Renckens stated the height on the canopies is 16 feet and he has not seen lights placed under them but that is a great idea and he can look into it and explore it. He plans to have a zero foot-candle at the property line.

Mr. Renckens was asked about the hair salon that is currently in one of the buildings. He stated they are in the process of relocating.

Ms. Cromar asked if the storage units would be internal and temperature controlled. Mr. Renckens stated they all would be.

Chair asked if there were any further questions. There were no further questions.

Chair opened the public comment and asked if anyone present would like to speak.

Pauline Borgmeyer, 6000 Wood Duck Way stated the building is an eyesore as it is now and she thinks refurbishing the building is a great idea. What will happen to the signage on the back of the building? What color will the building be?

Chair asked if anyone via zoom wanted to speak. No one spoke via zoom. Chair closed the public comment time.

Mr. Hanley asked about having the lighting put in as a condition.

Ms. Peacock stated it is very common to have trees planted in the ROW and she felt like having landscaping there was very important.

Mr. Renckens stated he is going to paint the building and would like to have some type of signage on the building. He also discussed the possibility of a mural. He stated they wouldn't have a problem planting the trees if they could. He plans to paint the building a nice earthtone color and doesn't want the plantings to obstruct the ability to have the signage on the building. They have not decided anything yet and will plan to make a decision at a later date. They are open to it and will discuss it with City Council.

Ms. Peacock moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9579-56-0884 and 9579-46-9642 from C-3, Highway Business to C-3 CZD Highway Business Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted uses shall include 1. Mini-Warehouse and 2. All permitted C-3 uses on November 4th 2021 which are listed in the ordinance. Conditions that shall be satisfied prior to final site plan approval include: (City initiated) 1. The developer shall provide a type B buffer along the rear property line, adjacent to the I-26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. 2. The developer shall provide a photometric plan with zero foot-candles at the property line therefore no light will bleed off the property. Ans including the developer proposed condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implements everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-

foot-wide travel lanes and be provided with a ten foot wide parking lane, finding that the amended zoning is consistent with the Comprehensive's Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: 1. This redevelopment is within a high intensity infill area as designated in the comprehensive plan (Chapter 8-LU1.1). 2. The development utilizes an existing large scale commercial building with a use that is compatible with the surrounding area. 3. The development provides additional storage options for the citizens of Hendersonville. Mr. Brown seconded the motion which passed unanimously.

VI Other Business. None

VII Adjournment – *The meeting was adjourned at 7:44 pm.*


Chair