

**Minutes of the Planning Board
Regular Meeting - Electronic
July 11, 2022**

Members Present: Stuart Glassman, Neil Brown, Tamara Peacock, Frederick Nace, Jim Robertson (Chair), Peter Hanley, Andrea Martin (attended by did not vote)

Members Absent: Jon Blatt, (Vice-Chair), Barbara Cromar

Staff Present: Matthew Manley, Planning Manager (Zoom), Tyler Morrow, Planner II, Lew Holloway, Community Development Director 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 amended the agenda to remove Item D from the agenda. Mr. Hanley moved for the revised agenda to be approved. The motion was seconded by Mr. Glassman and passed unanimously.*
- III** **Approval of Minutes for the meeting of June 13, 2022.** *Mr. Brown moved to approve the Planning Board minutes of the meeting of June 13, 2022. The motion was seconded by Ms. Peacock and passed unanimously.*
- IV** **Old Business**
- V** **New Business**
- V(A)** **Zoning Map Amendment – Standard Rezoning – Crest Road – US Army (P22-47-RZO).** Mr. Holloway gave the following background:
- The city is in receipt of an annexation application from the United States Army Corp of Engineers (property owner) for a 19.96-acre tract along Crest Road adjacent to Upward Elementary School off of Upward Road. The applicant has not requested rezoning; therefore, the city is initiating zoning for this parcel from Henderson County Industrial to City of Hendersonville I-1, Industrial.
- Mr. Holloway pointed out the parcel and its location on a GIS map. He stated the rezoning is the result of an annexation request. This was presented to City Council at the July meeting and is the first step taken. The city has 60 days to rezone a property being annexed. This will go to City Council in August for the rezoning.
- The Upward Road Planning District map was shown. This parcel is just outside of this district. Sewer is available.
- The current land use and zoning were shown in the presentation and is included in the staff report. This property is zoned Industrial by Henderson County.
- Site photos were shown.

The Future Land Use map for Henderson County shows this parcel designated as Urban Services Area. It is adjacent to the City of Hendersonville's Regional Activity Center designation.

Comprehensive Plan Consistency was discussed. Each chapter is included in the staff report.

General Rezoning Standards were discussed from the staff report.

A draft of the Comprehensive Plan Consistency Statement was shown in the presentation and staff report along with the Rezoning Reasonableness Statement.

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

Chair had concerns about the I-1 zoning and asked who determined the parcel should be zoned I-1 by the city. Mr. Manley stated staff made that determination due to the existing Industrial zoning on the property. Chair had concerns about any use that may be permitted in I-1 but would not fit in. Chair and Mr. Holloway discussed the requirements and uses in I-1.

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street (Zoom) had concerns about development by right and who would review the site plan. He discussed landscaping requirements for any development on the site.

Chair closed the public comment.

The Board discussed building something by right. Mr. Brown stated the city's Industrial zoning would be more restrictive than the county. Chair had concerns about the review process. Mr. Holloway explained the review process.

Mr. Hanley moved 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 (PIN 9587-68-8771) from Henderson County Industrial Zoning District to City of Hendersonville I-1, Industrial 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 proposed Industrial zoning presents an opportunity to improve the land use balance as called for in Chapter 8 of the City's 2030 Comprehensive Plan. 2. Additionally, we find the petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: The proposed zoning is compatible with surrounding land uses and the proposed zoning presents an opportunity for additional employment. 3. Furthermore, we recommend designating the Future Land Use of the parcel as Regional Activity Center. Mr. Brown seconded the motion which passed unanimously.

V(B) Zoning Map Amendment – Standard Rezoning – 1027 Fleming Street – Andrew Riddle (P22-57-RZO).
Mr. Holloway gave the following background:

The city is in receipt of an application for a zoning map amendment petition from Andrew Riddle of Riddle Development, LLC for the subject property (PIN 9569-60-2887) located at 1027 Fleming Street to rezone the property from MIC-SU, Medical, Institutional and Cultural Special use to MIC, Medical, Institutional and Cultural.

Mr. Holloway stated this parcel is 0.98 acres with an existing structure on the lot. This was created by a minor subdivision of a larger parcel. The remainder of the parcel will remain MIC-SU.

Current land use and zoning was discussed. Mr. Holloway showed a comparison table of the MIC permitted uses and the uses contained with the MIC -SU district. This comparison is included in the staff report.

Site photos were shown.

The Future Land Use Designation is split between Neighborhood Activity Center and Urban Institutional.

Comprehensive Plan Consistency was discussed. Each chapter with the goals and strategies were listed in the staff report.

The General Rezoning Standards were discussed and are listed in the staff report.

A draft Comprehensive Plan Consistency Statement along with a Reasonableness Statement was shown and is included in the staff report.

Ms. Peacock asked to be recused from this item as the applicant Andrew Riddle is a client of hers. She is the architect for the project. The Board voted unanimously to recuse Ms. Peacock from this item.

Chair asked if there were any questions for staff.

Mr. Brown asked if they were only looking at this one acre for the rezoning. Mr. Holloway stated yes, the remaining parcel would have to be rezoned before any development could take place.

Chair asked why they could not go ahead and look at all the parcels for rezoning now. Mr. Holloway stated it may require a different rezoning. This was previously submitted, and the Board had concerns at that time about the rezoning of the whole parcel. Mr. Riddle only owns the 0.98-acre parcel.

Matthew Rogers, Fletcher, NC, representing Mr. Riddle stated the rezoning would open up opportunity for tenants to lease the building with more uses being permitted. That is the reason for the rezoning.

Chair opened the hearing for public comment. There were no comments.

Chair closed public comment.

Mr. Hanley moved the 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 PIN 9569-60-2887 from MIC-SU, Medical Institutional and Cultural Special Use zoning district to MIC, Medical, Institutional and Cultural 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 Goals and Strategies of LU-12 – Urban Institutional calls for primary recommended land uses which align with the proposed MIC zoning. 2. 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: MIC is the zoning district established for the area surrounding Pardee Hospital. The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan. The subject property contains an existing office building and is well-suited to house a range of uses permitted in the MIC district. Mr. Glassman seconded the motion which passed unanimously.

V(C) Zoning Text Amendment – Animal Hospitals and Clinics in MIC (P22-58-ZTA). Mr. Holloway gave the following background:

The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Andrew Riddle for an amendment to the list of Permitted Uses in the MIC, Medical, Institutional and Cultural Zoning District (Section 5-10-1) to include the use of Animal Hospital and Clinic.

Mr. Holloway showed the other districts which currently permit this use. Staff is also proposing to make clarifications and corrections related to Animal Hospitals and Clinics and Animal Boarding facilities elsewhere in the zoning code.

The Planning Board Legislative Committee met June 21, 2022 and discussed the text amendment. Mr. Manley stated the use is not subject to Supplementary Standards although it is incorrectly referenced in the I-1 zoning district as being subject to them. This will be cleaned up in the ordinance along with this amendment if approved.

A draft Comprehensive Plan Consistency Statement was shown along with a reasonableness statement which is included in the staff report.

Mr. Holloway stated animal hospitals are a medical use even though it relates to animals and not humans. Staff feels this is a compatible use for the MIC zoning district.

Chair asked if there were any questions for staff.

Mr. Brown stated he feels this is a much-needed amendment and is in favor of it. He had concerns about underground fencing being used or hospitals having running areas and how that could not be referred to as a kennel. Mr. Holloway stated staff will review all site plans and anything that looks like a running area or kennel or anything other than a place for the dogs to go out to the bathroom, will be questioned and staff would not approve it.

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street had concerns about the buffering of this to residential districts. Mr. Morrow stated a Type B buffer would be required where MIC abuts residential.

When no one else spoke, Chair closed the public comment.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V – Zoning District Classifications, Section 5-10-1 and Section 5-12-1, Permitted Uses; and Article XII – Definition Of Terms, Section 12.2 – Definition of Commonly Used Terms and Words, 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 the public hearing, and because: The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short-and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose. 2. We 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: The petition addresses additional opportunities for the provision of services for pets and other animals within the City of Hendersonville's zoning jurisdiction. The proposed use aligns with the intent of the MIC Zoning District to serve as a medical district. Mr. Brown seconded the motion which passed unanimously.

- VI Other Business.** Chair discussed an article that Mr. Manley had sent to him concerning zoning and the housing crisis. Mr. Holloway discussed this article from the American Planning Association. Staff will send this out to the Board members.
- VII Adjournment – *The meeting was adjourned at 5:03 pm.***

 8/8/22
Jim Robertson, Chair