

**Minutes of the Planning Board
Regular Meeting - Electronic
July 11, 2024**

Members Present: Jim Robertson (Chair), Peter Hanley, Tamara Peacock (Vice-Chair), Donna Waters, Laura Flores, Beth Robertson, Chauncey Whiting

Members Absent: Barbara Cromar,

Staff Present: Tyler Morrow, Current Planning Manager, Matthew Manley, Long Term Planning Manager, Sam Hayes, Planner, Lew Holloway, Community Development Director

- I** **Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*
- II** **Approval of Agenda.** *Ms. Robertson moved to approve the agenda. The motion was seconded by Mr. Hanley and passed unanimously.*
- III(A)** **Approval of Minutes for the meeting of June 13, 2024.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of June 13, 2024. The motion was seconded by Mr. Whiting and passed unanimously.*
- III(B)** **Approval of Minutes for the Special Called meeting of June 24, 2024.** *Mr. Whiting moved to approve the Planning Board minutes of the Special Called meeting of June 24, 2024. The motion was seconded by Mr. Hanley and passed unanimously.*
- IV** **Old Business**
- V** **New Business**

- V(A)** **Zoning Map Amendment – Standard Rezoning – Upward Road-Hill (P24-36-RZP).** Mr. Morrow gave the following background:

This is a 1.2 acre parcel on Upward Road. The two property owners have submitted an annexation application. The City of Hendersonville is actually the applicant for this rezoning because the property owners did not submit for a rezoning with their petition. The city does have to zone it and they have 60 days to do so.

The Future Land Use Designation is High-Intensity Neighborhood and the county's is Infill Area. The CHMU zoning was specifically created for the properties along the Upward Road corridor that are annexing into the city for a sewer connection. That was created in 2011.

The current Land Use and Zoning map was shown and is included in the staff report and presentation.

A use comparison table was shown and is included in the staff report and presentation.

Site photos were shown and included in the staff report and the presentation.

The Future Land Use was shown and is included in the staff report and presentation. The County Future Land Use map was also shown and included in the staff report and presentation.

The Comprehensive Plan Consistency and Rezoning Criteria was discussed and is included in the staff report and presentation.

A draft for the Comprehensive Plan Consistency Statement was shown and included in the staff report along with the reasonableness statement.

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

Chair opened the meeting for public comment.

Lynne Williams, Chadwick Avenue stated it is very hard for anyone to come to these meetings at 4:00 pm. She stated she was here before for what will be the Spinx property and she stated then this will create a domino effect. She was concerned about the properties being given the CHMU zoning and not an agricultural zoning. She discussed the Comp Plan and not preserving agricultural areas. She discussed the history of Upward Road and Bo Thomas not wanting Upward Road widened. She was also concerned about the blue line stream on the property. She was concerned about preserving our agricultural heritage.

Chair closed public comment.

Chair asked staff if any of the properties along Upward Road that have previously been annexed by the city, been zoned anything other than CHMU. Mr. Morrow yes, they have. Mr. Morrow pointed out sections on the map that are zoned CHMU and one property that was a conditional zoning district. He stated CHMU is the dominant zoning in this area. He stated as you get up towards the interchange there is a mix of CHMU and C-3 zoning. The C-3 zoning is some of the older development and was likely before the CHMU zoning was created for this corridor. He stated is it either CHMU, a conditional zoning district which is site plan specific or the older C-3 zoning. Chair stated C-3 does not have the design standards or the connectivity between properties. Mr. Morrow stated correct.

Ms. Peacock 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: 9577-99-0735 from Henderson County CC, (Community Commercial) to City of Hendersonville CHMU (Commercial Highway Mixed Use) 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 Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning. 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: 1. Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area. 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area. 3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan. Mr. Hanley seconded the motion which passed unanimously.

V(B) Conditional Zoning District – Rezoning – First Ave Villas (P24-26-CZD). Mr. Manley gave the following background:

Ms. Peacock asked that she be recused from this item as she is the architect for the project. A motion was made by Mr. Hanley to accept Ms. Peacock's recusal. Ms. Waters seconded the motion which passed unanimously.

Mr. Manley stated this is a CZD for a .57 acre vacant parcel in the heart of the city. The proposal is for 18 residential multi-family units across two buildings. The Future Land Use Designation is Medium Intensity Neighborhood. The current zoning is CMU CZD and the applicant is asking for CMU CZD. This application is essentially amending that zoning because the previous application that was approved is not being pursued and they are increasing the number of residential units that were approved and changing the site plan and so they are amending that zoning district through this process. The zoning district itself would not change if this is approved.

Site photos were shown and are included in the staff report and presentation.

The previous rezoning was explained and is included in the staff report and presentation.

A site plan was shown and is included in the staff report and presentation.

The elevations were shown and are included in the staff report and presentation.

There are no developer proposed conditions.

The city proposed conditions were addressed and are included in the staff report and presentation.

A Neighborhood Compatibility Meeting was held June 6, 2024. Topics discussed were affordability for current residents, gentrification and displacement of residents, property tax increases, parking, massing, density and height, and architecturally incompatibility.

The Current Land Use and Zoning map was shown and is included in the staff report and presentation.

The Future Land Use was shown and is included in the staff report and presentation.

The general rezoning standard and comprehensive plan consistency was discussed and is included in the staff report and presentation.

A Comprehensive Plan Consistency Statement was shown and is included in the staff report.

A reasonableness statement was shown for denial and approval and is included in the staff report and presentation.

Chair asked if there were any questions for staff.

It was asked if the property was in a historic district. Mr. Manley stated it is close to a National Register Historic District and there is a distinction between a Local Historic District and a National Historic District. Local districts come with another level of standards and requirements for getting approval from the city to make exterior changes and National Register districts do not require that you get any additional approvals.

Ms. Flores asked what the height requirement was now. Mr. Manley stated CMU base zoning allows up to 64 feet. This is already zoned CMU CZD so it is limited to the 2 ½ stories that was shown for the previous rezoning. So it is tied up in a CZD. Ms. Flores stated this proposal is for three stories and one that is four. Mr. Manley stated the height that is currently allowed would be what was approved previously and with what is being proposed, it would be up to 48 feet at the highest point.

There were no further questions for staff.

Chair asked who would be speaking for the applicant.

Brian Gulden, attorney for the applicant stated several people would be speaking. He stated he would start by introducing the team. Mr. Gulden stated Ms. Flores had a question on the height requirement. He stated if this was just a basic zoning district the max height would be 64 feet but with the conditional zoning, the conditional zoning district they are asking for it would be limited to what they are proposing. That is the maximum height of 48 feet. They are not going up as high as 64. Mr. Gulden stated he is happy to make the presentation but the Board will not want to ask him any questions. The questions will be for the architect Sarah McCormick who works at Peacock Architects. They also have Matt Keene with Buchanan Construction, in case there are any questions about construction. He stated this is an infill project, it is sitting right on the edge of that downtown support area right on the edge of the infill designated area in the Comprehensive Plan that we all know is going to change. It is close to the historic district, it is not in the historic district. It is right for infill and because of Appendix D in the Fire Code they did have to push those buildings out. Matt addressed they are going to sit eight feet from the property line and under the sections he cited it could have unreasonable intrusion into privacy. He thinks some of the buffering that will occur on that west side that will limit that unreasonable intrusion. They have some open space that will be in the front of the building which conforms with the ordinance. The parking is consistent with what the plan is looking for and happens in the rear. The reason that back step up happens is because they have the parking in the back. He thinks it is a great infill project and it is exactly what the city is looking for. It complements the downtown. It is centrally located to everything downtown has to offer. They are asking that it goes from 11 units that was previously approved to 18 because it is a half-acre lot.

Sarah McCormick, Architect for the project stated she works for Peacock Architects. She stated they believe this is a high quality residential design that will exceed the code of ordinance standards and would increase the property value of the surrounding properties. They worked hard on the stonework of the front façade and balconies in order to encourage interaction at the pedestrian level. They are taking care to preserve the buffer and existing trees on the site and adding landscaping using pervious pavers with turf as shown in the renderings. They separated the two buildings in an attempt to reduce the scale and the overall height because they had a stair tower in the middle that was taller at one point and they got rid of that so the height did go down a little bit. The footprint is 2,416 sq. ft. on the site per building. The gross footage is 20,646 sq. ft. The primary materials will be stucco and then the stonework on the bottom. There are five trees remaining on one side of the site plan and one tree remaining in the back so they are keeping six trees total. The limit of disturbance is pretty much the whole site because they are adding landscaping. The reason for the false balcony in the front as opposed to a real balcony is because they did not want to encroach too much on the front setback. The corner of the building on the left side is on the setback. They are trying to preserve that as urban open space.

Chair asked if there were any questions for the applicant.

Chair asked the applicant to talk about the balconies on the front that the city asked for as a condition. Ms. McCormick stated they are not shown in the renderings but they are on the elevations and it is just a faux like Juliet balcony with windows in front of it so you would not actually be able to walk out onto it. It is just a railing to create the appearance of a front porch like the surrounding houses.

Chair asked if the rendering was to scale showing 30 feet between the buildings. Ms. McCormick stated yes the model is to scale. Chair stated in the rendering they are showing it aligned with First Avenue but it's not. Ms. McCormick stated it is not, it is not parallel. She stated it is to scale but the streetscape is not in the right position. The streetscape should be rotated slightly. Chair stated the buildings are not in the right position because they do not line up with First Avenue. They are crooked on the site plan but in the rendering they look like they are straight. Ms. McCormick stated right. Chair stated they cannot be to scale. Ms. McCormick stated they provided a two scale model to the renders so the landscape they added might not be the correct orientation but the buildings themselves and the streets themselves should all be

to scale. Chair stated the rendering makes it look very nice but he does not believe it will look like that. Ms. McCormick stated they are aligned with each other and not with First Avenue West. Chair asked if the residences along First Avenue are aligned with the street. He thinks they do.

Rafique Charania, developer with ARY Development stated the street over there is going straight but is actually diagonal but the buildings would be the same and it is going to align with the street. He pointed this out on the site plan to the Board. Chair stated the rendering is not correct. Mr. Charania stated the only thing not correct is the street which is not correctly done but the buildings are correct.

Ms. Robertson stated so there are 18 dwellings in the two buildings and she asked what the range is in the buildings. Ms. McCormick stated each floor has three different sized units. The back one is 1,000 sq. ft. the middle is 1,100 sq. ft and the next one is 1,200 sq. ft. They are all two-bedroom and the front one is two-bedroom plus a den.

Ms. Robertson asked how they would describe this development if they were describing it. Mr. Charania stated he would say this is the best location to live in the downtown on a very small square footage. Ms. Robertson asked if they would describe it as luxurious. Mr. Charania stated something in the middle, not too luxurious but not like a cookie cutter. He stated it is not going to be low rent. Mr. Gulden stated it can't be better, he does not know that it could be. The development is fantastic.

Chair stated staff mentioned there is a multi-family adjacent to it in the rear (five units). Do they know the parcel size on that? Mr. Manley stated he does know exactly but it is comparable to this. It is .59 acres. Chair stated it is .59 and it has five units and this one is .56 and is proposed for 18 units.

There were no further questions for the applicant.

Chair opened public comment.

Nenon Ujiki stated she lives on Washington Street and she does not know how she can be buffered from all of these people. There are rental units facing Allen Street that is a population of single family homes and apartments. Suddenly there will be all these condos and she is not sure how it will affect her and the other neighbors. It is a small space and it will be a lot of people in a small area.

Lynne Williams, Chadwick Avenue stated Ms. Peacock recused herself but she wanted to point out there is only one other development in the area that is six floors in height and that is also her project as well. She finds that both projects are out of character with the design of Hendersonville. She discussed this project being here before but now they want to increase the density. She stated it was a stressful process when something gets approved and then another developer comes in. She was concerned about the tree removal and if it meets the ordinance. She was concerned about the buffer being raised on the side. There is nothing else around this that looks like it and it is out of character. She was concerned about the open space. She was concerned about no affordable housing here and it being in the historic area.

Ken Fitch, 1046 Patton Street (Zoom) was concerned about compatibility of the project. He stated this is important because this is a neighborhood with distinctive historic character and is adjacent to one of the city's primary historic buildings. This project will also impact the city's tree canopy. He asked if the buildings being pushed to the side will allow any of the buffering to remain. Parking was also an issue and clarity on the street parking needs to be made. This is a proposal for a conditional zoning district and is bound to a specific site plan and specifications. Compatibility becomes the primary concern.

Helen Waldrop Youngblood, property owner at 103 S. Washington Street (Zoom) stated she concurs with some of the other property owners and she did supply some things in writing and hopes Mr. Manley shared those with the Planning Board. This project does have a lot of history to it. Many of the issues the

neighborhood had then are still being raised now. She urged the Board to tweak this project a little more before a rash decision is made. She does think there are some design issues and some architectural things that could be changed. She found the renderings to be very deceiving. She knows this area well and it appears to her that some things were just plopped into an area that does not accurately reflect the neighborhood. She finds the massing and density a little tough for this area. As an infill project there are some considerations that could be made to fit this better into the neighborhood. This area is changing rapidly. They have been in their historic home for 127 years. The neighbors have also enjoyed this neighborhood and have tried to make sure things coming to the area are built within a reasonable fabric. This area should be a transition point but it doesn't need to be quite so abrupt as what the developer has proposed. She thinks there are some alternatives that could be looked at that won't add quite so much pressure on this particular lot. She knows the church has had some concerns that were voiced at the neighborhood meeting. She also discussed the accidents on First Avenue that have happened.

Mr. Manley stated Ms. Youngblood's comments were received via email and were presented to the Planning Board. Chair stated they did receive them.

Chair closed public comment.

Chair asked about the tree ordinance and if you cut trees down you have to replace them. Mr. Manley stated this site is not large enough. The site has to be over an acre for tree disturbance, however, the new requirements for plantings do apply.

Chair stated the first site plan for this property was painstakingly reviewed. Three Planning Board meetings, discussions with the neighbors and it was more compatible than this site plan, why wouldn't they just build what was approved? Mr. Charania stated they tried to work the numbers for eleven units and the other one had some apartments in the back, which was not feasible to build in the back. So they changed the plan and eliminated the garages in there and provided extra parking spaces. That was a major issue, So now they have 21 spaces instead of 14 spaces before. To eliminate that problem they had to go one level above the garage and they created a new parking space area underneath the building behind it. So it is not in the front but in the back of the building. It is not as visible from the main street but it is still there and more parking is available and they expanded the building so a firetruck can come around and that is a 26 foot requirement. They followed their guidelines and changed the entire plan. That is the reason they had to go one level above. If the height is the issue they can go down. They can eliminate the back parking and go lower but the units will still be the same.

Mr. Manley had an exhibit concerning the parking and discussed it.

The Board had discussion on infill development, the size of the buildings, a smaller scale, the historic neighborhood and this having stucco, etc.

Mr. Whiting had questions about the price per door for this area in the city. Mr. Charania stated the cost of construction has gone up.

Matt Keene, Buchanan Construction stated the rising cost of materials has increased substantially. It has escalated since the previous project was looked at. Mr. Whiting stated his question was more on what the average price per door for the developer is for this area in the city and this should be well under that. He is talking about the entitlements more or less. He was curious as to why the numbers weren't adding up. Mr. Charania stated there was no way they could get extra parking without going one level up. That was the first problem. The second problem was they did not want to create garage apartments, which would turn out to be air bnbs and they are not planning to do anything like that. It would totally destroy the neighborhood. He stated these units will all be for sale. These will be market rate.

Ms. Robertson did not know how this would fit into the neighborhood or how 70 extra people will fit on that area. That is a lot of traffic and bodies on that street. This project makes her think about Charlotte or Atlanta and not Hendersonville. Mr. Charania stated they tried to make it look like the homes in the area. It was already approved for eleven units and they were trying to match it as much as they can. He is open to any suggestions they may have. Ms. Robertson stated she thinks it looks lovely but she just cannot imagine it crammed in that street, not just the parcel but the street. Mr. Charania stated they are also adding more privacy. They are going from a five-foot buffer to an eight-foot buffer. They are not eliminating as many trees as the previous applicant. They are keeping those trees and adding more to it. He just wants to do it right.

Ms. Waters had a question about the 26 feet and the height of the buildings. Mr. Manley stated 30 feet is what triggers that requirement for the extra width.

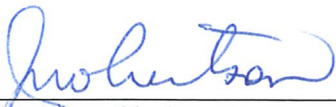
Ms. Robertson stated these will be really expensive units. Mr. Charania stated he is not building The Cedars.

Chair stated his concern is the inconsistency with the Comp Plan and the height of the building and the compatibility with the neighborhood.

Ms. Waters moved the 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 (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - 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 petition is inconsistent with a range of goals and strategies for Medium Intensity Neighborhood in the City's 2030 Comprehensive Plan, in particular the maximum recommended density of 8 units per acre. 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. The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design. 2. The petition proposes a density that is out of character with the surrounding neighborhood. 3. The petition would generate excessive traffic, noise and light in an existing residential neighborhood and would result in an unreasonable loss of privacy. Ms. Robertson seconded the motion which passed unanimously.

VI Other Business - Mr. Manley gave an update on the Comp Plan.

VII Adjournment – *The meeting was adjourned at 5:55 pm.*

 8/8/24

Jim Robertson, Chair