

**Minutes of the Planning Board
Regular Meeting - Electronic
February 8, 2021**

Members Present: Jim Robertson (Vice-Chair), Neil Brown, Jon Blatt, Tamara Peacock, Candi Guffey, Peter Hanley

Members Absent: Robert Hogan, Hunter Jones

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

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

II Approval of Agenda. *Mr. Hanley moved for the agenda to be approved. The motion was seconded by Mr. Brown and passed unanimously.*

III Approval of Minutes for the meeting of December 14, 2020. *A correction was made to the minutes by Mr. Robertson. Mr. Hanley moved to approve the Planning Board minutes of the meeting of December 14, 2020 as amended. The motion was seconded by Mr. Brown and passed unanimously.*

Vice-Chair stated Chairman Steve Orr has taken a position with the Town of Saluda and has resigned from the Planning Board.

IV Adoption of the monthly meeting dates for 2021 to ratify the location change. *Mr. Brown moved to adopt the monthly meeting dates for 2021 with the ratification of the location change. The motion was seconded by Mr. Hanley and passed unanimously.*

V Conditional Zoning District – Application for a conditional rezoning from Bobby Funk, Green Holdings LLC and North Main Street Properties of Hendersonville, LLC. The applicants are requesting to rezone the subject property, PIN 9569-95-7758, 9569-95-5941 and 9569-96-4013 and located on Duncan Hill Road, from R-20, Low Density Residential District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of an 84-unit multi-family development. (File #P20-48-CZD). Mr. Morrow gave the following background:

Mr. Morrow gave a project description. This is for a development of seven, 3-story multi-family structures and a community center on approximately 8.66 acres. One parcel currently contains a vacant single-family structure at 710 Duncan Hill Road. The other parcels are vacant.

A neighborhood compatibility meeting was held on January 15th, 2021 concerning this project. Several people representing the public attended the meeting virtually.

Parcels to the north are zoned R-20, Low Density Residential, parcels to the east are zoned C-3, Highway Business and RCT, Residential Commercial Transition. Parcels to the south are R-20 and C-3 and contain a mix of residential and commercial uses.

The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the High Intensity Neighborhood classification is to encourage low-

maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development.

The development guidelines for PRD's are: eight or more units per gross acre, placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and major thoroughfares, and/or adjacent to neighborhood and Regional Activity Centers, at least 60% open space in new residential developments greater than three acres, architectural guidelines to encourage compatibility between different land uses and encouragement of walkable neighborhood design.

This project is tied to low-income tax credit and it will have workforce housing restrictions.

Photos were shown of the site as it is today.

The Tree Board reviewed this application and had recommendations. Those recommendations are to require the developer to save the three large trees along Duncan Hill Road that are adjacent to the brick residential home; and require the developer to replace each tree over 12 inches in diameter that is removed from the property; and that replacement trees be the same or their equivalent to existing trees in accordance with Article XV of the Zoning Ordinance. In addition, all replacement Broadleaf Canopy Trees shall be 2 ½ inch diameter at breast height (DBH) and all Ornamental Trees shall be 1 ½ inch diameter at breast height. These conditions are not in the motion and would need to be included in the motion.

Staff did receive a new site plan, but the new site plan did not change any major components.

The parking requirements are based on the number of bedrooms. The required number of parking spaces is 137. The developer is providing 147 spaces. It was determined that a Traffic Impact Analysis was not necessary for this project. The counts were displayed in the staff report.

The development would have two points of ingress and egress, one off Signal Hill Road and one off Duncan Hill Road. It was discussed that it would be better for the development circulation if the project aligned the Duncan Hill entrance/exit with Baldwin Hill Avenue. This will be included as a staff recommended condition.

Since land disturbance for this project exceeds one acre, a storm water management system is required. The stormwater plan will be reviewed by the City's Engineering Department.

Sidewalks will be provided on the project frontages on Duncan Hill Road and Signal Hill Road. This area is currently not served by adequate pedestrian infrastructure.

The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA. No buffers will be required by the ordinance since this project is residential.

PRD's allow 10 units per acre. The developer is proposing 9.6 units per acre. The maximum building footprint is 20%. They are proposing 10.8%. The minimum open space is 60% and they are proposing 66.2%.

Staff recommended rezoning conditions are included in the motion. They can be included or removed at Council's discretion and upon the agreement by parties involved. The staff recommended condition is for the Duncan Hill Road entrance/exit be realigned to match Baldwin Hill Avenue. This was made a condition due to the possible NCDOT road projects in the area.

Mr. Morrow explained the proposal of a peanutabout and a roundabout and that this may be a long-term improvement.

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

Mr. Brown asked about project P20-6-CZD and stated these two projects are almost identical and do not have a lot of differences. Mr. Morrow stated both applied for low-income tax credits, but the first project did not score high enough to move forward with the project.

Ms. Peacock stated if there are plans to move the road over it, does it make sense to pour the sidewalks? What is the time frame for the NCDOT work? Mr. Morrow stated there is no time frame yet.

Lew Holloway, Community Development Director stated that project with the NCDOT has not hit the 10-year plan yet and it could be at least a decade before it starts.

Ms. Peacock asked if there will be another site plan review. Mr. Holloway stated yes, there will be a final site plan review. Ms. Peacock had concerns about parking and about how the buildings line up, she felt it would be more aesthetically pleasing to stagger the buildings.

Mr. Blatt stated this project will not be reviewed again. Mr. Morrow stated the Planning Board and City Council see the preliminary plans. Once approved by City Council they will be required to submit final site plans that would not have any major changes.

Ms. Guffey stated Signal Hill Road has a blind hill in both directions, has that been addressed? Mr. Morrow stated city staff does not review curb cuts. NCDOT would review those and they would take into consideration the safety from the blind spots and the hill.

Bobby Funk, Development Coordinator with Mills Construction attended the meeting virtually. He stated this project is called Duncan Terrace and is an 84-unit multi-family development. They are asking for a conditional rezoning to PRD CZD, Planned Residential Development Conditional Zoning District. They do meet all the standards from the Zoning Ordinance, and they have made adjustments from the community comments they have received. He feels this project will integrate seamlessly into the neighborhood. Fred Mills is the owner of the company and he has 50 years' experience developing housing projects. The closest one is in Arden, NC, which opened in 2019. They have several other developments in North Carolina currently under construction. They will be partnering with Western North Carolina Housing Partnership to develop these apartments. They have worked with Joy Strassel, Executive Director and will work with her on this project.

Mr. Funk talked about the standards for rezoning and the Comp Plan consistency. This property is currently in the ETJ and they do plan to annex the property. To the north of the property are commercial uses and to the southeast is a church. There are some single-family dwellings around the property and some undeveloped land around it as well. There are no wetlands on the property and no streams.

The 84 units will be a mix of 1,2- and 3-bedroom apartments. There will be a single-story community center on the property. This development will be income restrictive.

Mr. Funk showed examples of the project. They will use a combination of brick and vinyl. They will have an on-site manager. The site plan shows 7 residential buildings, a play area, gazebo and a picnic area.

They will be replacing some trees. They meet all the PRD setback requirements and are exceeding the parking requirements. They have had conversations with staff and NCDOT concerning the traffic. He explained the closest sewer service and the construction of a pump station for the project.

They will have a compliant stormwater plan which will be approved by the City's Engineering Department. They will be conducting an environmental review of the property.

They will have an in-house property management company with a full staff that will work 9:00 am to 5:00 pm. They will have credit and background checks for all residents. Maintenance will be on-call 24/7. They will have lighting and security cameras.

They are consistent with the 2030 Comprehensive Plan and will be located in a high-intensity neighborhood. It does meet the public interest and he feels this project is compatible with the surrounding area. They are providing housing that is an inadequate supply. It will be convenient to I-26 and they believe they have adequate facilities to serve this project.

They had an independent traffic count done and they do not anticipate more than 78 trips morning and evening during peak hours. They are waiting on feedback from NCDOT on any potential issues and they have talked with staff and anticipated the road improvements. They believe they can accommodate the NCDOT improvements and they can realign the project with Baldwin Hill Road.

Vice-Chair asked if there were any questions.

Mr. Brown asked about the public transient service. Mr. Holloway stated public transient is managed by the county and he is not sure what the service is in that area, but they do serve the 64 corridor.

Ms. Peacock asked about the management of trash and if the pump station would be visible. Mr. Funk stated the pump station would be underground and would not be visible. They will have two trash areas, one at the top corner and one at the bottom corner. The residents will have to take their trash to those areas.

Vice-Chair asked about the low-income housing scores and if they would have a workforce daycare. Mr. Funk stated the scores are broadly defined from the states perspective and he believes they will achieve the maximum score. This is a good site for multi-family.

Vice-Chair stated they would now take any public comments from the zoom call.

Ken Fitch, 1046 Patton Street wanted to commend the applicants for an excellent presentation. Of concern was the ingress and egress issues and the speed through both thoroughfares and the effects to the public. If NCDOT reroutes whose responsibility is it to replace the existing wooded landscape if altered. Landscaping is an important issue. There is an issue with sidewalks with multiple properties for sale and connectivity is desirable.

When no one else wanted to comment, Vice-Chair closed the public comment time.

Mr. Holloway stated if the road was rerouted and infringed on the stormwater area, NCDOT would compensate.

Mr. Blatt asked if the applicant is willing to realign the project with Baldwin Hill Road. Mr. Funk stated they are willing to realign. He believes moving the access to Baldwin Hill it is an achievable goal.

Mr. Blatt asked about the Tree Board recommendation. Mr. Funk stated he has talked with the architect and three trees are a priority to retain near the house. They would like to explore this further before the City Council meeting. Mr. Manley stated the landscaping plan does require a certain number of trees and they may exceed this number. Those trees would not be in addition to what is required.

Mr. Brown asked about the Dark Sky Initiative and if the lighting will conform to it. Mr. Morrow stated they could make that a condition in the motion. Mr. Funk stated he is aware of the Dark Sky Initiative and he wants to be sensitive to achieve a safe environment, but he would like to have more conservation about this before he makes that commitment. Mr. Manley stated the Planning Board can move forward with the conditions and staff and the developer will work together on these conditions before City Council.

Mr. Hanley 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 from R-20, Low Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, 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: it is in the public's interest and fills a great need in the county. He would also add the conditions: 1. Consideration of moving the access from Duncan Hill Road to Baldwin Hill Road, 2. Consideration of the Dark Sky Initiative. Mr. Blatt stated he would second the motion as long as it is clear that the Dark Sky Initiative is not a mandate. Mr. Blatt seconded the motion which passed unanimously.

VI Conditional Zoning District – Application for a conditional rezoning from Henderson County Hospital Corporation and Henderson County. The applicants are requesting to rezone the subject property, PIN 9569-50-9133, 9569-50-8164, and 9569-50-7165 located on N. Justice Street, Brown Street and 9th Avenue, from MIC, Medical, Institutional, Cultural District to PCD CZD, Planned Commercial Development Conditional Zoning District for the removal of the existing EMS building and improvements to the hospital entrance and parking. (File #P21-03-CZD). Mr. Manley gave the following background:

The City is in receipt of a Conditional Rezoning application from Pardee Hospital for a multi-faceted project centered around enhanced access/circulation and additional parking. More specifically, the project involves the removal of the former EMS building, the partial closure of the Brown Street Right-of-Way, improvements to the hospital's main entrance, addition of new surface parking off of N. Justice Street and 9th Avenue West (with a total of 111 new spaces), and enhancements for vehicular and pedestrian circulation between the added parking lot and the main entrance.

This project triggered the Conditional Zoning process due to the incorporation of this project with the existing Pardee Hospital Campus. The Pardee Hospital Campus is zoned PCD, Planned Commercial Development and the original development of the hospital was approved with a Special Use Permit. Given the City of Hendersonville's recent incorporation of Conditional Zoning, all development or redevelopment of this type, which involves the consolidation of land to a Planned Commercial Development and/or Special Use project, triggers the Conditional Zoning process.

The project includes the demolition of the former EMS building which will significantly enhance the main entrance, providing increased visibility and functionality of pedestrian and vehicular circulation.

The project also includes the addition of 111 parking spaces on a 3-parcel site that is currently a wooded, vacant property at the corner of 9th Avenue and N. Justice Street. In an effort to minimize the aesthetic and environmental impact of the project, the proposed landscape plan calls for preserving some existing trees and providing a significant number of new plantings.

A Neighborhood Compatibility meeting was held January 19, 2021. A range of topics were covered at this meeting.

Factors included prior to adopting or disapproving an amendment to the City's official zoning map are, Comprehensive plan consistency, compatibility with surrounding uses, changed conditions, public interest, public facilities and the effect on the natural environment.

Mr. Manley discussed the Urban Institutional classification and the Downtown support classification. The City is moving away from surface parking and references that in the Downtown Support classification.

The Natural Resources chapter focuses on green infrastructure and the reduction of flooding through limitation of impervious surfaces and the preservation of trees.

The Tree Board has weighed in on this project. The Tree Board does support the staff's recommendation of preserving the trees and to preserve all trees over 30 inches in diameter at breast height (DBH) in accordance with Article XV Section 15-4 (c) of the Zoning Ordinance.

The parcels proposed to be part of the development project are directly abutted by PCD, Planned Commercial Development to the south (Pardee Hospital Campus). To the north the parcels across the street and catty-corner are residential uses and zoned R-6 and R-15. These parcels serve as a transition from commercial to residential. Properties to the east and west are zoned MIC, Medical, Institutional, Cultural.

No buildings are proposed for the site. The project area on the site plan is 2.9 acres. Predevelopment impervious surface is 1.07 acres (37%), post-development impervious surface is 1.65 acres (57%). Predevelopment open space is 1.83 acres (63%) and post-development open space is 1.25 acres (43%).

The proposed site use as a parking lot is a permitted use in the PCD zoning district. This project does meet the requirements for a PCD concerning vehicular access and setback requirements for the district. The proposed parking spaces and loading zones meets or exceeds the requirements. Additional parking is not required, it is a desire to add additional parking and improve the entrance.

Landscaping is required and the proposed Landscape Plan shows the retention of existing trees along the perimeter of the project area with the provision of additional landscaping which exceeds the minimum zoning requirements. Preservation of existing trees is recommended.

A Traffic Impact Analysis was not required for this project.

Photos of the site were shown.

Staff came up with conditions after the feedback from the public. There are no sidewalks along the project area. Sidewalks are required within the PCD. Due to topography of the site and the drop in the grade down to N. Justice Street and 9th Avenue, the provision of sidewalks along the project area would result in the loss of existing trees along N. Justice Street and possibly along 9th Avenue due to the impact on root zones of existing trees. Staff recommends a fee in lieu of the sidewalks. Staff recommends the applicant provide mid-block crossings to ensure pedestrian connectivity. Staff recommends utilizing sidewalk fees to construct sidewalks and retaining walls (with tree preservation measures) in partnership with the City at some point in the future.

Stormwater will be managed and feed into the City's existing infrastructure. The plans are being reviewed by the engineering staff.

There are two white oak trees that were discussed with the developer to preserve. The developer will make every effort to save the trees they can. The white oaks are slated to be removed as the roots may become damaged.

Mr. Manley discussed a bio-swell and stated this is not a requirement. Staff conditions are the preservation of existing trees and an appropriate replacement for the trees that are lost. The Dark Sky Initiative could also be included.

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

Mr. Blatt asked why stormwater run-off would not be retained on-site. Mr. Manley stated the storm tech facility is underground. It retains water and meets the code. It does not meet the Comp Plan concerning Natural and Environmental Resources.

Mr. Hanley stated this is a flat asphalt parking lot, why not do a multi-level? Mr. Manley stated he believes cost is the answer to that, but the developer can clarify that.

Vice-Chair asked about including a retaining wall as a condition. Mr. Holloway stated the Board can recommend it to City Council, but the developer and City Council would have to agree on it.

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

Jared DeRidder, WGLA stated they have filed a separate petition to close Brown Street. Henderson County owns property on both sides of Brown Street and only a portion of it will be closed. He previously stated in the neighborhood meeting that he witnessed a fire truck get stuck on Brown Street. This is not a safe street and it does not meet any NCDOT requirements.

They will be providing parking closer to Pardee. The question of why not vertical parking is because of the cost. The cost per space in the deck is very high along with the routine maintenance of a deck. This parking lot will provide overflow parking from the deck.

There are pros and cons to the sidewalk along the streets. There is no sidewalk from N. Justice to the high school. They want to be good stewards and save as many trees as they can, and they feel it is best to pay a fee in lieu of the sidewalks. They feel like there are adequate pedestrian facilities and creating another sidewalk on 9th Avenue could cause potential problems with the football players going to practice and throwing balls across the street. A retaining wall is also a very expensive solution.

Vice-Chair asked if there were any question for the developer.

Mr. Brown stated there is nothing to justify more surface parking and he feels like this is just creating another heat island. He has been to Pardee plenty of times and there is always enough parking in the deck. Mr. DeRidder stated there is maintenance concerns for the deck. They have to clear the deck to be able to do the maintenance on it. This will be overflow parking for the staff also. Mr. Brown stated the deck could be maintained half a level at a time. This is just creating more heat and asphalt.

Walter Carpenter, Attorney for Pardee Hospital Corporation stated there a difficulties with the way the deck was built. There are structural issues that need to be dealt with from the bottom to the top. They will have to close the whole thing to make some of the repairs. Mr. Brown asked if they have checked with any surrounding churches or other properties about using their parking lots and having a shuttle. Mr. Carpenter stated they hear a lot of complaints about the parking as it is. To move the parking further away would only create more complaints.

Vice-Chair asked how many parking spaces this will add. Mr. Carpenter stated they plan to add 111 spaces. They currently have 361 spaces and after this parking lot is complete, they will have a total of 472 spaces if approved.

Mr. Blatt stated no one wants to walk and a shuttle would not be feasible.

Vice-Chair asked to open up the public comment.

Ken Fitch, 1046 Patton Street stated the loss of the canopy trees is a huge issue. The Tree Board recommendations deserve some consideration. This will have a severe impact as it is replacing pervious surface with impervious surface. He feels the fee in lieu of sidewalks is appropriate as a crosswalk in the middle of 9th Avenue could prove to be very dangerous. Will there be a continued use of the Brown Street sidewalk from Fleming Street? There are issues with the City's aging stormwater system, and he feels the bio-swell could be a good solution. He feels this is not a benefit to the area.

Mr. DeRidder stated part of the Brown Street sidewalk will remain. The existing stormwater system can handle the extra capacity. Mr. DeRidder explained there will be a covered area for pedestrian access to the deck. He also stated the sub-surface system containers underground will hold the water back and let it drain out slowly. This is used throughout the City. As far as putting in a swell, he is not sure where you would put a flat swell in a deep slope. The swell is not a requirement and is not feasible.

Mr. DeRidder explained frequency of storms and releasing less water into the storm tanks by having a large gravel bed in place to absorb some of the water much like a septic system would. The stormwater system filters into the ground and does go into a detention area.

Ms. Guffey stated there are 222 beds and they will be adding 111 parking spaces and with 351 current spaces and adding another 111 spaces she feels this is a permanent solution to a temporary need. Mr. Carpenter stated even with the parking garage, they get regular complaints about not having enough parking. Ms. Guffey stated with triple the number of spaces there is still a shortage. Mr. Carpenter stated yes.

Mr. DeRidder stated as far as the Dark Sky Initiative goes concerning the lighting, he did not see that requirement in the ordinance. He is committed to having lighting and it will be shielded and meet the ordinance. He did not see the Dark Sky definition in the ordinance. Mr. Manley stated it may not be in the ordinance, but it can be a condition to try and reduce light pollution. Mr. DeRidder stated they would have to study this more. Mr. Manley stated the main issue is that the lights are capped. They can find something that works before the City Council meeting.

Mr. Blatt asked if there were any Dark Sky parking lots in town. Mr. Brown stated no. Mr. Blatt stated this is not feasible for larger parking lots. Mr. Manley stated staff would study this as it seems to be a desire of the Planning Board. They are sensitive to the impact of development. Staff can do a presentation next month.

Mr. Blatt asked about the 35" trees that were requested to be saved. Mr. DeRidder stated the internal trees are 36" and they will try to save them to the greatest extent possible. And that is why they feel a fee in lieu of the sidewalk is better than building the sidewalk. Mr. Carpenter stated the trees won't live if they build the sidewalk. Mr. DeRidder stated building a retaining wall will also kill trees. Mr. Blatt stated it is so steep he does not feel like they can get a sidewalk in there.

Ms. Guffey asked about the sidewalk on the left side of 9th Avenue. Mr. Holloway stated there is some question of the right-of-way there. He suggested proceeding with the sidewalk requirement and the applicant can ask for a fee in lieu of the sidewalk.

Mr. Manley stated they can maintain the condition for tree preservation. He also discussed the alternative route that was discussed about the sidewalk on top of the hill and the grade. There would also be ADA issues and cost issues for the construction up that hill. It would be very challenging.

Mr. Brown moved the City Council not adopt an ordinance rezoning the subject property for the following reasons: it is not compatible with the surrounding area such as the neighborhood to the north, it is not in the public interest to lay down another patch of asphalt and the effect it will have on the natural environment converting the three parcels into an impervious surface. Ms. Guffey seconded the motion which failed with a tie vote of 3 to 3.

After a three-minute recess, Mr. Holloway got clarification from the City Attorney that a tie vote did fail the motion. Another Board member can make another motion and the motion can be to not recommend approval or denial of the application, but should City Council choose to approve it, the inclusion of the conditions can be recommended.

Ms. Peacock made a motion to recommend neither approval nor denial of the application but should City Council vote to approve the application the three conditions are recommended. Those are 1. The Tree Board recommendations be considered for the preservation or replacement of the trees, 2. Sidewalks be installed per the zoning code requirements and 3. The Dark Sky Initiative be considered. Mr. Blatt seconded the motion which passed unanimously.

VII Other Business.

Election of Chair and Vice-Chair. Mr. Hanley nominated Mr. Robertson to serve as Chair. Mr. Brown seconded the nomination and the vote passed unanimously. The election of Vice-Chair was put on hold until the next meeting.

Introductions were made for the new members.

VIII Adjournment - The meeting was adjourned at 6:37 pm.