

**Minutes of the Planning Board  
Regular Meeting - Electronic  
September 12, 2022**

**Members Present:** Neil Brown, Tamara Peacock, Frederick Nace, Jim Robertson (Chair), Peter Hanley, Laura Flores, Andrea Martin

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

**Staff Present:** Matthew Manley, Planning Manager, 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 stated Item B is moved to Item C and Item C is moved up to Item B on the agenda. Mr. Hanley moved for the revised agenda to be approved. The motion was seconded by Mr., Brown and passed unanimously.*

**III Approval of Minutes for the meeting of August 8, 2022.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of August 8, 2022. The motion was seconded by Mr. Brown and passed unanimously.*

**IV Old Business**

**V New Business**

*Chair stated Ms. Peacock has made a request to recuse herself from the first item, the Hendersonville Connections CZD. She is the architect for the project. Mr. Hanley made a motion to recuse Ms. Peacock. Mr. Brown seconded the motion which passed unanimously.*

**V(A) Conditional Zoning District – Hendersonville Connections (P22-66-CZD).** **Mr. Manley gave the following background:**

The city is in receipt of an application for a Conditional Zoning District from Moe Marks of the Tamara Peacock Architects and Charles Morris of Grace Blue Ridge Presbyterian Church. The applicant is requesting to amend the C-2, Secondary Business CZD for the subject property located at 109 Florence Street (PIN's 9578-21-4699, 9578-21-4924, 9578-21-5614 and 9578-21-5868), off of Brooklyn Avenue for the establishment of a Day Center on a portion of the 2.46-acre parcel. The proposal includes the conversion of a 9,975 sq. ft. portion of an existing church structure into a Day Center which will serve those in need with a variety of services.

The site plan was shown and is included in the staff report. Buffering and landscaping were discussed along with the existing fences. No trees can be planted in the sewer easement. There is also an existing sidewalk where trees are unable to be planted, therefore a reduction of trees has been requested. There are a number of site constraints that have been addressed in the developer's conditions.

Site photos were shown and explained. Mr. Manley stated the applicant has requested to use the neighbor's six-foot fence for the wall requirement. There would be some areas of new fencing, but they would use a portion of the neighbor's six-foot fence and a portion of a four-foot fence. The standards in the

zoning ordinance call for a masonry or wooden fence and they wanted to keep their options open due to wooden fencing having to be replaced and the financial impact of that. This is listed in the developer's proposed conditions and is included in the staff report.

Mr. Manley stated staff had no proposed conditions for this project. The reduction in trees make sense due to the site restraints. Comments from the DRC by other staff members have either been resolved or will be by final site plan approval. This project was not reviewed by a transportation consultant.

A Neighborhood Compatibility meeting was held on July 6, 2022. Concerns raised were impacts on the neighboring properties, access points, hours of operation and traffic.

Mr. Manley stated Florence Street is a local street, Brooklyn Avenue is a minor throughfare and Greenville and Spartanburg Highways are major throughfares.

The current land use and zoning map was shown and is included in the staff report.

The Future Land Use map was shown indicating the surrounding areas as High Intensity Neighborhood and Medium Intensity Neighborhood with a split designation between the two. Staff determined this should be considered High Intensity. This is included in the staff report.

The General Rezoning Standards and Comprehensive Plan Consistency goals were shown and discussed. These are included in the staff report.

A draft Comprehensive Consistency Statement was shown and is included in the staff report. A draft Reasonableness statement was shown and included in the staff report with rationale for both approval and denial.

Chair asked if there were any questions for staff.

Mr. Hanley asked if there have been any concerns about the traffic with the pallet business located there. When he sold the duplexes there was some concerns related to the large trucks and traffic coming and going. Mr. Manley stated no one has expressed any concerns about the pallet business or traffic related issues.

Mr. Brown had concerns about the applicant using the neighbor's fence and what happens if that fence is taken down. Mr. Manley stated then there would be no fence. Mr. Brown asked if there would be a contingency plan. Mr. Manley stated nothing in their conditions as stated. Mr. Brown asked about the parking requirements 10 for the Day Center and 67 for the church, neither have opening hours that would conflict. It was stated at the neighborhood meeting that the hours would generally be 8:00 am until 4:00 pm, five days a week and not when the church is operating. Is the requirement really 77 spaces? Mr. Manly stated it is 67 but they could do a shared use. Mr. Brown asked about the List of Uses including communal living area and what that means. Mr. Manley stated he needs to ask the applicant. Mr. Brown asked if this did not jump out to staff. Mr. Manley stated it is their understanding there is no residential component to it. Discussion was made on Day Center requirements concerning hours of operation and the list of permitted uses being Day Center and church. To have a residential use permitted it would need to be listed under the permitted uses. Mr. Manley stated a communal living area, to him, was like a space to sit and watch television.

Mr. Manley stated this would be a utilization of the neighboring six-foot fence so if the fence came down there would be no fence. Their understanding is the four-foot picket fence is owned by the church and on the church property, but it does have sections that are in pretty bad disrepair. If it is going to serve as a barrier there, it does need some repair. The vinyl fence is a standalone section at the end of the parking lot

and it too needs some repair. He wanted to be clear that there are some concerns about the state of repair that the fences need and that they plan to utilize that fence instead of placing a new six-foot fence there.

There were no further questions for staff. Chair asked the applicant to come forward and limit the presentation to 10 minutes.

Rachel Ingram, Executive Director of Hendersonville Connections Center along with Kristen Martin, Executive Director of Thrive who is also on the Board of the Hendersonville Connections Center came forward and stated their names. Ms. Ingram stated the communal living area would be a peer support living room where classes or community support groups could be held. They will operate from 6:00 am until 6:00 pm and there will not be any overnight stays.

Chair asked if there were any questions for the applicant.

Ms. Flores asked if Ms. Ingram could give a summary of their intentions and goals. Ms. Ingram stated this is a resource for anyone experiencing hardships. It will provide social services in a centralized location. They partner with other non-profits in the county and their facility will be a place where they can effectively and efficiently meet the needs of others in one location. There will be one fulltime and two part time employees and they will rotate service providers in the center. Free clinics such as Blue Ridge Health will offer their services as well. Ms. Ingram stated they took over the Joseph Outreach Ministry nonprofit status that was located on 7<sup>th</sup> Avenue. Currently they are not offering any services yet.

The Board asked what transportation will look like. Ms. Ingram explained clients have public transportation or they may bike to the center. They will not have anyone staying overnight. She stated they will be partnering with the church and could provide security services. She has also talked with the Sheriff's Department. Ms. Martin stated Apple Country transient services has a bus stop on Greenville Highway and Spartanburg Highway. They will not let anyone leave without helping them get to where they need to go. No one will stay overnight at the center. Mr. Manley stated there is a bus stop at the intersection of Brooklyn Avenue and Spartanburg Highway, which is about a five-minute walk.

Chair opened public comment.

Dennis Bro, Peacock Architects stated concerning the fencing that might not be adequate, Ms. Ingram and Ms. Martin and the Hendersonville Connections organization is happy to replace any parts of the fence that do not meet the standards or what would be acceptable standards for the fencing, or if in the future one of the neighbors decides to take the fence down, they will replace it.

Chair asked if anyone wished to speak via Zoom. When no one spoke, Chair closed the public comment.

Mr. Hanley thought this was a nice addition to the neighborhood. Mr. Nace asked if they could make a condition that the applicant must replace or repair the fence if it gets taken down. Chair asked if they could make a condition on the fence for the repair or replacement, ten years down the road how will they remember that a fence is a requirement if it is not placed as a condition on this development? Mr. Holloway stated any condition that was placed on the rezoning would carry with the property. He stated the Community Development Department staff would not necessarily know if that fence has deteriorated down the road. If the duplex called and said the fence fell down, staff would be able to do enforcement action to address it based on the approved project. Conditions have to be agreed upon, but they can recommend that as a condition and it sounds like the applicants would not be opposed to that. Chair stated it would be covered by the ordinance. Mr. Holloway stated only if it is a condition. Mr. Manley stated they would be required to maintain the new fencing, to specifically ensure that they will allow them to use the existing fencing, if that fencing goes away or deteriorates or becomes damaged, it is on the owner of the subject property to replace that fence. Whereas the new fencing that would have to go up would have to be

maintained and by the zoning code they would have to maintain that six-foot vertical barrier. If all we have is a condition for them to utilize the existing fencing, but we do not have any condition if it is damaged or removed then it can get a little bit gray. Mr. Manley stated the conditions in a CZD in some cases supersede the ordinance. Mr. Nace felt like they needed to think down the road concerning the fence.

Discussion was made on the four-foot fence. The Board agreed that the fencing should be consistent with height and the materials and should be replaced. Mr. Holloway stated for the four-foot fence they are asking for a condition to use it; the Board could decide not to agree to that condition and that would trigger compliance with the zoning ordinance which would be a replacement fence. Chair stated a six-foot tall wooden or masonry fence. Mr. Holloway stated correct. Mr. Manley stated he had some language they could consider if it addresses their concerns. *"Utilization of any fencing existing or new shall be repaired or replaced by the property owner if removed, damaged or deteriorated."*

Mr. Brown had concerns about the buffering and landscaping and replacing the large canopy trees with medium or small canopy trees. He also had concerns about having more parking than what is required and not making room for the trees because of the parking. He felt like they could put some large canopy trees in place of those parking spaces. Mr. Manley stated some of the replacement of the large canopy trees to medium came on the guidance of the Tree Board. Mr. Manley explained the sewer easement and the areas where the trees would not be feasible. They have rationale for the reduction. They did not want to put trees in the common space because they wanted that for a playground and a garden area. Getting into the site design caused them to ask for some relief. There was not a member representing the church in attendance to discuss the parking arrangement.

Chair asked how many large canopy trees are required and how many are proposed. Mr. Bro read the buffer requirements which are included in the staff report. It was stated there will not be removal of any trees.

Ms. Martin stated they plan to purchase that last section from the church, but they will have an agreement with the church, and they will have shared usage for the parking lot and share those costs. The front area that was mentioned as a garden is just the church's front lawn and they did not want an additional tree there. They are a nonprofit that other nonprofits are supporting. They also have a lot of grants out there that they are waiting on, but they wanted to get all the zoning pieces accomplished first. She pointed out the gravel driveway and the buffer they are adding on the site plan.

Mr. Bro gave a detailed description of the buffer areas. This description is stated in the staff report under the proposed developer's conditions.

Mr. Manley stated a quick calculation was done and approximately 60 large canopy trees are required per the zoning code for the linear feet of this site. They are proposing nine large canopy trees and 26 medium trees some of that gap is where you have existing vegetation and where the sewer easement is located and some other small site constraints. He explained wrapping the building in landscaping which did not save any money and the ordinance states the landscaping is to be placed on the boundary. He explained this was a split use.

Moe Marks (Zoom), Peacock Architects stated Mr. Manley has explained the drive access and sewer easement very well. She explained the tighter space on the east side and the south side where there is existing pavement they have to account for. They are also trying to save their clients a little bit of money since they are a nonprofit and that is why they proposed some smaller trees in the back where they have foliage already. They figured it was a bit redundant to have more trees where it is already forested in the back.

Mr. Brown still felt like they have not done an adequate job of trying to meet the guidelines. Chair asked how much a large canopy tree costs. Ms. Mark stated about a grand a piece.

Discussion was made on the condition to replace or repair the fence. The applicants were in agreement to that condition. Chair asked about the condition to replace the four-foot fence. They were also agreeable to that. Ms. Martin stated concerning the vinyl fence, that is the church's and if they are granted zoning, they can purchase part of that from the church and have a shared use agreement with the church to help with the cost of replacement for the fence.

***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 (PINS: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868) from C-2-CZD (Secondary Business – Conditional Zoning District) to C-2-CZD (Secondary Business – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated Sept 1, 2022,] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses 1. Day Center. 2. Religious Institution. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: 1. Utilization of the existing fence shall be conditioned to be repaired or replaced by the property owner if removed, damaged or deteriorated. 2. New fencing will meet the city standards for Day Centers. 3. Four-foot existing fence shall be replaced and meet city standards for Day Centers. 3. 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 High Intensity Neighborhood Future Land Use designation recommends public and institutional uses as a secondary recommended land use. Compatibility is achieved through the implementation of landscape buffers per Strategy PH 1.1. 4. Furthermore, 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. The proposed use will provide a need to the underserved in the community. 2. The proposed use will be made compatible through the implementation of landscaped buffers. Mr. Nace seconded the motion which passed 5 in favor and 1 opposed (Brown) to the motion.***

***Mr. Hanley made a motion for Ms. Peacock to return from her recusal. Ms. Flores seconded the motion which passed unanimously.***

*Chair stated the next item also included an application from Peacock Architects.*

***Mr. Brown made a motion to recuse Ms. Peacock since she is also the architect for this application. Mr. Hanley seconded the motion which passed unanimously.***

**V(B) Zoning Text Amendment – Parking Standards in C-1 (P22-72-ZTA).** Mr. Manley gave the following background:

The City of Hendersonville is in receipt of a petition for a Zoning Text Amendment from Moe Marks of Tamara Peacock Architects for an amendment to the required number of parking spaces per unit for residential developments in the downtown area of Hendersonville. The applicant's proposal would eliminate parking minimums within the C-1 district. Currently there are no parking minimum for commercial uses or residential uses under five dwelling units. Staff is recommending a reduction of parking minimums to align parking minimum requirements in the C-1 and PRD with other residential districts.

A chart was shown of the parking minimums by zoning district and is included in the staff report.

A zoning map of the C-1 district was shown and is included in the staff report.

Mr. Manley stated the Legislative Committee met twice to discuss this petition. In general, the members were supportive of the proposed text revisions. The Legislative Committee met a second time to discuss a Fee in Lieu of Parking and including the PRD district. The Committee recommended aligning the C-1 and PRD parking requirements with those other zoning districts throughout the city (minimum of one parking space per residential unit).

The proposed language for the changes submitted by the applicant was shown and included in the presentation and staff report. The staff recommended revision was also shown and included in the staff report.

The Comprehensive Plan Consistency strategies and goals were shown and are included in the staff report.

The General Rezoning Standards were shown and included in the staff report.

A draft Comprehensive Consistency Statement was shown and included in the staff report along with rationale for approval and denial.

Chair asked if there were any questions for staff.

Ms. Flores asked if the fee in lieu of parking would strictly be for street parking. Mr. Manley stated that would be for private parking. Will the city design another parking lot for that, or will this be designated street parking? Mr. Manley stated it would basically give them the right to continue with their development without providing the minimum number of parking spaces. That's what that fee would be used for, and it would be utilized by the city for the provision of public parking downtown. The developer would get the right to move forward, the owners or tenants of the units themselves would then have to find their own arrangements for parking. They would not be using the fee in lieu of parking to buy a parking space.

Chair stated the fee in lieu is not part of this proposal. Mr. Manley stated it is not, but it will have an impact on it. Chair stated the fee will go to the parking enterprise fund. Mr. Manley stated that is correct.

Mr. Holloway stated this is a fund that is being created along with the parking garage.

Mr. Brown stated PRD 5-14-6.7 Off-street parking states all parking spaces shall be located within 75 feet of a residential unit they serve. Do they want to lengthen that or get rid of that? Mr. Manley stated it could be a bit challenging, but he would not want to do this on the fly tonight, but it is something staff can look at.

Chair stated the changes today are only for C-1 and PRD and they are changing it from 1 ½ to 1 space for both. Mr. Manley stated in the PRD it will go up ½ space for three or more bedrooms. They would be going from 1 ½ to 1 space and from 2 spaces to 1 ½ for units with three or more bedrooms.

Other fees were discussed. Mr. Holloway stated the only fees charged for are sidewalks and dedication of public land.

Mr. Nace asked how close the C-1 boundary was to the MSD district. Mr. Holloway stated it extends beyond the MSD.

Chair asked if the applicant would like to speak. He did not speak. Chair asked if there were any questions for the applicant. There were no questions for the applicant.

Chair opened for public comment.

Ken Fitch (Zoom), 1046 Patton Street stated increased residential density generates a need for more parking and the reduction of parking will affect the district. Overflow of residential parking will affect the parking for commercial and civic uses. New housing will have more units and bedrooms that will have tenants that contain more than one vehicle. There has been talk of other spaces for parking with the new garage and metered parking but with the increase in residential use, how will this function? He was concerned about the number of units in multi-family developments and reducing the parking requirements is only adding to the parking problem. He was concerned about the small businesses being affected negatively by this. The parking reduction for PRD should be considered separately and be site specific.

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

Chair stated in their discussions at the Legislative Committee they talked about parking being market driven, a condo being rented with zero parking spaces, the tenant may decide not to rent that condo since they have a car but if it is a condo with two spaces, they might decide to rent that condo. But if it comes with zero spots and he has a car, he probably will not consider it. That discussion is worth having, let it be market driven.

Mr. Nace stated when you look downtown, where is something going to go that will be more than five units and anything with more units will more than likely have parking on the bottom or underground. He sees this only applying to new construction and he thinks that is okay, the market rate driven for new construction is fine.

Ms. Martin stated as a business owner downtown she is concerned about the impact on businesses. The parking downtown is hard, and it is hard for her customers to find parking. Once a week there is large gripe about it. It is challenging. She has 1 ½ spots for her parking. She understands the condo owner and how they are to make money but how does she make money when it is raining, and no one can find a spot and they go somewhere else. Chair stated the parking garage will help with that. Mr. Brown stated the church parking lots should be used during the week. They are underutilized during the week.

Mr. Nace thought this text amendment makes sense.

**Mr. Nace moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-6-3.1. and Section 5-14-6.7; and Article VI. – General Provisions, Section 6.5. “Off-street Parking Standards” based on the recommended modifications to the petition as presented by staff and 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 petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design. 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. The staff recommendation aligns the minimum parking requirements for the C-1 and PRD Zoning Districts with other residential and mixed-use parking standards. 2. The staff recommendation reduces development cost and restrictions for residential development in downtown and along thoroughfares. Residential development and utilization of underutilized properties within these areas is desired. 3. A significant amount of public and private parking spaces are available with the C-1 Zoning District. 4. Reduction of minimum parking space requirements reduces the need for individually-owned surface parking lots. 5. Centrally-located, consolidated parking locations are preferred over individually-owned surface parking lots as a means of protecting and advancing walkability and better utilizing land within the downtown core. Mr. Hanley seconded the motion which passed unanimously.**

**V(C) Zoning Text Amendment – Multi-Family in the 7<sup>th</sup> Avenue MSD (P22-75-ZTA).** Mr. Manley gave the following background:

The city is in receipt of a petition for a zoning text amendment from Dan Mock to address the Supplementary Standards for Multi-Family Residential uses in the 7<sup>th</sup> Avenue area. Currently the portions of the 7<sup>th</sup> Avenue area that are zoned C-2 only permit multi-family within the boundaries of the 7<sup>th</sup> Avenue Depot National Register Historic District. As proposed Section 16-4-24, which only applies to multi-family uses in the C-2 zoning district would be amended to expand multi-family uses to a larger area encompassed by the 7<sup>th</sup> Avenue Municipal Service District (MSD). As proposed Section 16-4-24 would also be amended to strike the provision that multi-family uses would be limited to the second floor of buildings.

Staff is proposing that multi-family be extended to the MSD. However, staff is proposing that the provision limiting multi-family to second floors be amended to state: "upper" floors and that the provision remain in place for the National Register Historic District, but this limitation would only partially be in place for multi-family uses in the remainder of the MSD.

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

The Planning Legislative Committee met in August to discuss this application. They discussed maintaining the ground floor on the 7<sup>th</sup> Avenue side, a portion of that retained for nonresidential uses.

The Downtown Advisory Committee met concerning this application and was generally supportive of this change.

The current code language was shown along with the proposed changes made by the applicant and the proposed changes made by staff. This is included in the staff report. Staff recommended code revisions included that the expansion is suitable and compatible but to cap the residential use on the ground floor at 50%.

Mr. Manley stated there are no minimum parking requirements in the 7<sup>th</sup> Avenue MSD but if parking is proposed it is to be included on the side or rear. There is no front setback requirement.

Mr. Manley stated the applicant has discussed live/work units. Staff felt it was unnecessary to add live/work unit specifics as staff feels you are able to do both already.

Comprehensive Plan Consistency strategies and goals were shown and are included in the staff report.

General Rezoning Standards were shown and are included in the staff report along with a rationale for approval and denial.

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

The Board discussed how far down 7<sup>th</sup> Avenue the MSD went. They also discussed having both residential and commercial uses existing in the MSD.

Dan Mock, 902 and 820 7<sup>th</sup> Avenue East stated his company is Rockwood Development. He is a small developer from Los Angeles. He is from a small area that is known to be the most hipster area in all of Los Angeles. It is a very walkable area. He showed photos of past projects that he has done. Some of the residents do not even own cars and they are in their 40's. Most are New Yorkers as they like walkable areas. He has been buying buildings here and moved here because of Covid. They have purchased two buildings or getting ready to close on them. He owns the former Coca-Cola bottling plant on Locust Street.



They love the Hendersonville area and have looked at everything from Greenville to Asheville. Hendersonville to him, is the closest thing to where he saw Los Veelas back 20 or 25 years ago. He is not interested in Main Street because he thinks that is a different crowd. It is a different vibe when you go there. He wants to market his places to the hipsters and thinks the 7<sup>th</sup> Avenue corridor is a prime spot for the hipsters. He would love to see this place have more of a nightlife, where it is not dead and not somewhere where you really do not want to be. His wife doesn't really want to be in this neighborhood after it gets dark. If they could get some retail uses here that promotes that, that would be ideal. However, he thinks you need the residential first before the retail because if you have the retail and you do not have the residents that live there you will not be able to attract them and retain them and have them stay to hang out, like you would if they actually lived there. If you start at Grove Street and Locust, between there that is your prime retail. As you shift down between Locust and Maple there are commercial uses with some potential residential coming. At Maple Street and Barker, that is where White Duck is and that is the last spot where it is like the cool area. Once you pass that it starts getting a little tired. From Beech to Ashe you have this weird mix of buildings that some look out of place. There are some single-story red brick buildings that he loves. Once you get to Cherry Street everything becomes residential because you have what is called the projects over there which is the low-income housing. Once you get past that it starts automotive uses and nothing that would draw a night scene. He thinks being down that far, he is early and is taking a big risk and the reason he is wanting to do more residential is at least with residential he is guaranteed that if he builds it, he should be able to rent it out. Given where we are headed in this market, and he thinks this market will crash, retail and office are very scary to him. He thinks you have a lot of retail in a lot of blocks to improve before you get way down there. If you had all retail down at the ground floor, he is pretty sure it would be vacant, and he would not be able to attract anybody and lease it out. This is all funded by him personally and he does not have any investors and it would kill him to the point he would be out of Hendersonville, and he has some pretty good ideas for this area with what he wants to do.

Ms Flores asked if he plans to condo any of these out or are they going to be rentals. Mr. Mock stated no they will be multi-family rentals. He will build everything even better than condo specs.

Chair opened the public comment portion.

Ken Fitch (Zoom), 1046 Patton Street stated for clarification this is only for the C-2 zoned areas and he thinks that needs to be more clearly stated. There are statements that sounds like it is the entire MSD. The applicant has shown properties he purchased or are under contract and he has shown they are generating the need for this amendment. Going forward with this amendment beyond the specific properties and projects he is mentioning there is an issue that may need to be addressed. That issue is if you have an increase in multi-family projects in the district, the issue may become parking with the increasing use of street parking. That could create an issue in the future with commercial uses. The issue of compatibility and the issue of branding has been raised. He discussed modern buildings and the historic 7<sup>th</sup> Avenue district. Consultation on the historic district should be discussed with the Historic Preservation Commission.

No one else spoke, Chair closed the public comment.

Mr. Manley discussed the difference between specific properties and a zoning map amendment versus a zoning text amendment. The zoning map amendment has a provision where you cannot discuss specific properties, a zoning text amendment does not.

Chair stated this is for the C-2 MSD district and is out of the historic depot district. Mr. Holloway stated this does apply to the C-2 zoning district only.

Chair stated it did sound like the applicant is not in favor of the 50% retail requirement at the street level south of Beech Street. Mr. Brown stated he liked the commercial component that they came up with a few weeks ago. Mr. Hanley stated you need both. Chair agreed.

Mr. Nace stated the first thing that comes to his mind is, having attended the 7<sup>th</sup> Avenue branding meetings and the visioning meetings, he has never once heard the desire to recruit hipsters into the 7<sup>th</sup> Avenue district. He has never heard that from anyone involved in the process, not once and that being a stated as a goal of this applicant, is that in conflict with everything else the city is trying to do. Mr. Hanley stated the whole population is younger and 7<sup>th</sup> Avenue, if you go to White Duck, it is all a younger group. Mr. Nace stated it is not hipsters though. Hipster to him states disposable income, which is not what the 7<sup>th</sup> Avenue District is about. Youth is part of it, but income is more, to cross over from hippie to hipster is a big leap. Mr. Hanley stated the rent of these would be above mainstream pricing for rentals. Mr. Nace agreed, and he thinks that is a problem. He thinks it is a serious problem for the 7<sup>th</sup> Avenue District. Chair stated you are talking about putting a Police Station there, cleaning it up and then no one can afford to live there because the property values are more and all of a sudden we have gentrified the neighborhood. Mr. Nace stated all historic aspects of the district are gone when they start pushing the rentals. Mr. Hanley stated it would be an improvement though. Mr. Nace stated that is a matter of opinion.

Mr. Holloway stated he appreciated the discussion, but the zoning text amendment is a request that they haven't addressed and although City Council has told staff to start looking at affordable housing as a city-wide issue, this is a request for multi-family and currently as this relates to multi-family we do not have any authority to say an affordability component should be part of it. He can appreciate what they are saying but the request is for a use, and we do allow apartments in a lot of the more urban areas. There is a legitimate conservation that needs to center around affordable housing as a city-wide concern.

Chair discussed these multi-family uses being permitted by right or if they would still fall under a CZD where conditions could be placed such as affordability. Mr. Nace stated it will be developed by right if they approve this and he feels it is having the cart before the horse. Mr. Holloway stated multi-family would still trigger a CZD at 50 units and/or 50,000 sq. ft. These specific projects would not. They would be developed by right with no means to place conditions such as affordability. Mr. Holloway stated that is correct.

Mr. Holloway stated there some multi-family that are legally established nonconforming uses in this zoning district. By making this a permitted use it will open that up and allow redevelopment of buildings in the district for multi-family uses. When it was introduced into the historic district it was to facilitate redevelopment of the second floor. You had upper properties that were vacant that owners were specifically asking to do multi-family in. The Legislative Committee talked about if a text amendment or rezoning was the most reasonable way to go about this and he thinks there is an argument for both of those. But the applicant's request, which they have to field the petition, was to do a zoning text amendment. So, staff made some recommendations for that. It does have the potential to change the character of this corridor, but he would note that multi-family and residential are already present in the corridor and new development can contribute to that.

Mr. Nace stated his issue is if these were just two projects, he would probably say yes but now we are saying every property down 7<sup>th</sup> can be developed this same way by right. Every one of those single-family homes in that one block stretch could be sold and developed this exact same way. Every one of those vacant lots could be developed this exact same way. It was not made specific to existing commercial buildings. Chair stated it could be commercial below and residential above and they are putting that 50% and that is for the entire ground floor. But not in the historic district, it must be 100%. Chair stated he is onboard with that, but he does have some of the same concerns as Mr. Nace.

Mr. Nace stated his concern is when they apply something broadly to a specific situation and that is what they are doing here, they are allowing redevelopment on every lot down the 7<sup>th</sup> Avenue corridor at this standard and it doesn't just apply to these two buildings. Mr. Holloway stated those lots are permitted to do a lot of things under the C-2 zoning district. And C-2 is one of the more intense zoning districts and it allows everything from light manufacturing to all sorts of commercial uses. Those residential houses could be bought today and developed under the C-2 standards. This would be adding multi-family and they need to determine if that is an appropriate additional use. Mr. Manley stated the Comp Plan does suggest this is compatible with multi-family.

**Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI. – Supplementary Standards for Certain Uses, Section 16-4-24 Residential dwelling, multi-family, with the modifications to the petition as presented by staff 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 Future Land Use Designations of 'Downtown Core' and 'Downtown Support' call for recommended land uses and design guidelines that align with the proposed zoning text amendment. 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. The addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses. 2. The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services. 3. The addition of multi-family residential as a permitted use will provide for a variety of housing types at different price points. 4. The reduction of setbacks will allow for more efficient use of land and provide more opportunities for infill development. 5. The provisions maintaining non-residential uses along frontages on 7th Ave will support a vibrant mixed-use district as redevelopment occurs along the corridor. Mr. Brown seconded the motion.**

Discussion was made on the staff recommendations.

Mr. Nace stated when someone tells you what they believe, and what they intend to do you should believe them. Mr. Mock directly stated that he intends to change the character of this district and he does not support that. He stated that is his sole intention to change the character of this district. Chair stated but this is a zoning text amendment. Mr. Nace stated he does not care this is not in accordance with what this district is trying to do. Chair asked how you would change the zoning without allowing residential. Mr. Nace stated he would be more than happy to change it by a CZD with just these two buildings in it. But to let this apply to all developers all the time in all the lots in this zone, he does not support it. Chair stated he does not see 7<sup>th</sup> Avenue with retail below and residential above, fronting the street? Mr. Nace stated he could but at this point they cannot put any restrictions on it. Chair stated hopefully when City Council reads these minutes, they will see his point.

**Chair called for the vote. The motion passed 5 in favor and 1 opposed (Nace).**

**VI Other Business**

- VI(A) Update on Proposals for the Comprehensive Plan.** Mr. Holloway stated they have received five proposals and will be working with the Long Range Committee on these. The goal is to move this to City Council for approval of the Planning Board recommended consultant in October or November.

**VII Adjournment – The meeting was adjourned at 6:32 pm.**

  
Jim Robertson, Chair