

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

Members Present: Jim Robertson, Chair, Neil Brown, Peter Hanley, Bob Johnson, Tamara Peacock, Barbara Cromar, Hunter Jones, Jon Blatt (Vice-Chair)

Members Absent:

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matthew Manley, Planning Manager, Jamie Carpenter, Downtown Manager, Alexandra Hunt, Planner I 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.** *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 October 11, 2021.** *Mr. Brown moved to approve the Planning Board minutes of the meeting of October 11, 2021. The motion was seconded by Mr. Hanley and passed unanimously.*
- IV** **Old Business - None**
- V** **New Business**
- V(A)** **Zoning Text Amendment– Application for a Zoning Text Amendment from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600’ radius Supplementary Standard associated with Private Clubs.** Mr. Manley gave the following background:

This is a text amendment for the zoning code petitioned by Casablanca Cigar Bar to remove the 600-foot spacing requirement for private clubs. Currently the Zoning Code's Supplementary Standards for Private Clubs are as follows: **16-4-20 Private Clubs. a) No private club shall be located within a 600-foot radius of another private club. b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.**

Currently private clubs are listed as a Special Use in the C-1, C-2, C-3, CMU, I-1 and PMD CZD zoning districts. It is also listed as a "limited" use under the Urban Residential Conditional Zoning District.

Private Clubs are defined as: *Any person, firm corporation, key club, bottle club, locker club, pool club or any kind of club or association having, possessing or requiring membership and excluding the general public from its premises or place of meeting, or congregating, or operating, or exercising control over any other place where persons are permitted to drink alcoholic beverages, consume food, observe entertainment, live or otherwise, play at video, mechanical or electronic games and/or dance, other than in a private home. Nothing in this definition or elsewhere in this ordinance permits a Private Club to conduct, contain or house an Electronic Gaming Operation in any district which is not otherwise expressly permitted by this ordinance.*

The North Carolina ABC Commission has a 30% rule on food sales for private clubs and bars. Any establishment with food sales under 30% would be considered a private club or bar.

There are currently four private clubs in Hendersonville. The Tobacco Merchant at 129 4th Avenue West – approved 7/9/19, Southern Appalachian Brewery located at 822 Locust Street, approved 10/26/10 (and longer has to operate as a private club due to the addition of microbreweries in the ordinance). Jeff Grier (axe throwing) located at 218 Duncan Hill Road, approved 8/14/18 and The Brandy Bar located at 504 7th Avenue East, approved 12/18/17.

The zoning map for private clubs was shown. Areas were highlighted where private clubs are permitted as a Special Use. Also, a 600-foot radius map was shown for private clubs in the C-1 District. Mr. Manley stated there is no language in the code on how to measure the radius so the simplest way to measure it is by the parcel.

Chapter 8 of the Comprehensive Plan does not have a dedicated chapter on economic development. However, Chapter 8 establishes the consistency for the reviewing of potential new uses (such as private clubs) under Strategy LU-1.1 which establishes the following: Encourage infill development and redevelopment in areas planned for high intensity development as indicated by Priority Infill Areas. Chapter 4 also establishes a goal to promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.

The Downtown Advisory Board Economic Development Sub-Committee met on November 2, 2021. Their discussion revolved around lessening the standards and creating more opportunities. There were questions about existing state regulations and existing private clubs. They reviewed some history of private clubs in downtown. They made some general recommendations. They were in favor of less restrictions for private clubs. They were in favor of a per block rule rather than a 300-foot radius. If a 300-foot distance measurement is used, the committee felt as though it should be measured by walking route distance rather than radius. This will be reviewed by the Downtown Advisory Board tomorrow at 4:00 pm.

The Planning Board Legislative Committee met October 21, 2021. Two Planning Board members attended along with City staff. Discussion revolved around providing more opportunities for businesses. The creation of "monopolies" within dense social/entertainment districts. The separation of uses in other less dense commercial districts. Recommended modifications to standards for C-1 and C-2. Their recommendations were: **16-4-20 Private Clubs.**

- a) Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within a 300-foot radius of another Private Club when located on the same street. [OR - Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within 300-feet of another Private Club]
[OR - Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located on the same block face as another Private Club].
- b) In all other zoning districts where Private Clubs are permitted, either by-right or as a Special Use, No no private club shall be located within a 600-foot radius of another private club.
- c) The effect of such radius will be determined by the distance measured from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club. [OR - The effect of such distance requirement will be determined by the distance measured along the shortest walking route from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club].
- d) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

The changes above have different options for a and c, "d" would stay the same. "b" would also stay the same with the requirements in all other zoning districts being the 600-foot radius. Mr. Manley explained the 300-foot requirement would be more linear than radius. He also explained that the downtown city blocks are 300 feet. Therefore, a private club could potentially be on each block but only one would be permitted per block.

Chair asked if there were any questions for staff.

Mr. Brown asked if approving "c" would eliminate the need for the petition. Mr. Manley stated this private club is less than a block from an existing private club.

Mr. Hanley stated the 600-foot requirement is relatively arbitrary to begin with. Downtown is fairly dense and fairly small. Mr. Manley explained with the 300-foot requirement per block, if a private club was in the middle of one block, it would have to be placed in the middle or end of the next block. They would be separated.

Mr. Manley stated the standards were created April 19, 1999. The Board of Adjustment initiated the conversation for standards back in 1996. The City Council tabled the standards and three years later the Planning Board recommended approving the standards and City Council approved the Planning Board's recommendation. The 600-foot radius was changed to 1,000-foot radius after a shooting at one of the private clubs. Ten years later another applicant applied for a text amendment to have the radius decreased back to 600-feet. Susan Frady stated in that memo that the rationale for the 1,000-foot radius was due to the shooting.

Mr. Blatt asked about the state requirements. Mr. Manley stated he has not heard back from the state on any of their requirements. He has reached out to the state but has not heard back from them. It appears the state centers around alcohol and food. There are not a lot of private clubs around anymore.

Chair asked about the VFW, American Legion and Elks Lodge. Are they private clubs? Mr. Manley stated there is no clear answer, he assumes they were in place prior to the private club requirements and are grandfathered in.

Ms. Peacock asked about eliminating the requirements all together. Mr. Manley stated they could recommend that, but it would change the private club requirements from being a Special Use to being a Permitted Use, which means the private club would be permitted by right with no standards.

Mr. Blatt stated places serving alcoholic beverages have strict regulations placed on them by the state. There are strict ABC rules they have to abide by. The Board discussed restrictions. Mr. Manley stated the more than 30% of total sales of food classifies establishments as restaurants and not private clubs is a rule by the state. They would still have other requirements they would need to meet by the state to operate a restaurant.

Mr. Jones asked if the Downtown Committee was good with private clubs even with the parking downtown. Mr. Manley stated there are no parking requirements for downtown. Mr. Manley stated the lighting requirements that must be met are in Section 6-13. They are rather vague and can be looked at again when the new lighting ordinance is in place.

Chair opened the public comment and asked if anyone in attendance would like to speak. No one spoke. Chair asked if anyone via Zoom would like to speak. No one spoke.

Chair closed the public comment.

The Board discussed making a motion and removing the verbiage for the standards. Discussion was made on deleting Section 16-4-20 Private Clubs. Mr. Manley clarified that the 30% rule is a state rule and not a city rule. Discussion was made on lighting requirements and already having streetlights. Discussion was made about tabling this item.

Lew Holloway, Community Development Director stated the Board can move on to the next item and staff will work on a motion to consider tonight.

V(B) Zoning Map Amendment – Application for a standard rezoning from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind and Joan C. Fleming (property owners), for PIN 9588-22-1126 and located at 0 South Allen Road. Mr. Morrow gave the following background:

The initial zoning application is for a standard rezoning of PIN 9588-22-1126. The property is currently zoned Henderson County Office Institutional (OI). The property was annexed into the City of Hendersonville on September 2, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it. The applicant is proposing the property to be rezoned to C-3, Highway Business. Staff has a different zoning suggestion. The property is 17.13 acres. This is a standard rezoning, and no use is tied to it other than what is permitted by right.

Parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Road and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as the Holiday Inn Express, Bojangles and State Employees Credit Union. The subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock which is a proposed development consisting of a 153-bed facility with a mix of assisted living and independent living for seniors and Waterleaf at Flat Rock which is a proposed 263-unit apartment complex. Parcels to the west consist of a business center and are naturally buffered from the residential uses by the Floodplain.

Site conditions and aerial photos were shown.

The 2030 Comprehensive Plan's Future Land Use map designates this parcel as Regional Activity Center. The goal for Regional Activity Center is to meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use walkable design through redevelopment and infill projects.

Staff recommends that this parcel not be zoned C-3, Highway Business. Staff recommends that this parcel be zoned CHMU, Commercial Highway Mixed Use for the following reasons: Previous Planning Board and City Council action, Comprehensive Plan Consistency and Compatibility with surrounding land uses. Commercial Highway Mixed Use was created for parcels along the Upward Road Corridor that annexed into the City of Hendersonville for sewer connections. The C-3 Zoning District has no design standards but the CHMU Zoning District does have design standards.

Activity Nodes in the Comp Plan encourages multi-family mixed use buildings with retail on ground floors and office/residential on upper floors. Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged. Location of all parking to the side or rear of buildings or in a garage encouraged. Improved pedestrian connections to surrounding neighborhoods. The CHMU zoning meets most of the goals for this.

Existing conditions of the property were shown. The property is vacant and has been used as agricultural.

In 2010 County Commissioner's declined the City's request to extend the ETJ out Upward Road. On December 2, 2010, City Council directed staff to create a new zoning district for Upward Road. On March 3, 2011 staff created the CHMU zoning district. The Planning Board voted unanimously to create the CHMU zoning district.

The Upward Road Planning District was shown in light gray on a map. This planning district mirrors what the ETJ should be in this area.

Mr. Morrow compared the C-3, Highway Business and CHMU, Commercial Highway Mixed Use Zoning Districts. C-3 zoning has 11 permitted uses, 5 special uses and the key differences are no design standards and some more intense commercial uses. CHMU zoning has 13 permitted uses and no special uses. The key differences are design standards and multi-family, and light manufacturing are allowed. Multi-family and light manufacturing are permitted by right in CHMU district.

Mr. Blatt asked staff to address outdoor storage. Mr. Morrow stated outdoor storage has its own section in the zoning ordinance. Mr. Blatt asked what the difference in the two districts would be. Mr. Morrow stated outdoor storage is permitted in C-3 but not permitted in CHMU.

Mr. Morrow stated rarely is a parcel annexed before it is zoned. Staff thought the CHMU zoning would be a better fit given the closeness to multi-family in the area.

Ms. Peacock asked if there is a downside to leaving it un-zoned. Mr. Morrow stated the City has 60 days to rezone it. Ms. Peacock asked if it hurt anything to leave it un-zoned. Mr. Morrow stated they cannot use it for anything if left un-zoned. It would have to be zoned before the property could be used. Mr. Manley stated they need to move forward on the zoning of this property.

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

Kelton Lastein, representative for the applicant, 275 S. Church Street, Spartanburg SC stated he has worked on this property for five years now. In 2020 the assisted living facility was approved and then the multi-family development was approved. He has worked with brokers and they have all intention of meeting the needs of the community on this project. He would like to have retail uses to better meet the needs of Dana and the south end community. He sat down with the planning guys and he is representing the landowner when he says he feels that it is unfair to have design standards thrown on them. The project coming to this site has been hand-picked and the best security they have is his word that this will fit into the community.

Mr. Blatt asked if the developer of the two approved projects is the same. Mr. Lastein stated no, they are two new owners of both of those projects. Mr. Blatt asked if he has a statement from those folks concerning this project. Mr. Lastein stated no, he does not.

Mr. Lastein stated they had to annex and then have 60 days for the City to rezone it. He wants what is best for the landowner and with 2,000 feet on the interstate side they feel that C-3, Highway Business is their best option. Mr. Blatt stated it could be used for commercial or residential. Mr. Morrow stated C-3 does not allow multi-family. It only allows single and two family. Mr. Blatt stated he feels like C-3 is reasonable given the 2,000 feet on the interstate side.

Chair stated it is unfair to impose design standards but the CHMU zoning was specifically designed for the Upward Road area, yet he does find imposing design standards unfair.

Mr. Hanley stated if they are going to sale it, they will be looking for the biggest, widest window and who knows what the new owner will do with the property. Mr. Manley stated if the project is less than 50,000 sq. ft. it will not come before this Board for a CZD. They could possibly do the project by right and not have to come back to the Planning Board. Getting this done correctly with the right uses makes it very important that they get the zoning done right today.

Ms. Cromar asked about Mr. Lastein working on this for five years and him stating something about the Planning Department. Chair stated this was only annexed in September and both of the previous projects have been approved. Mr. Blatt stated he wished Mr. Lastein had the blessing of his neighbors. The Planning Department doesn't have their blessing either. He is sympathetic to the location being so close to the interstate. He sees things permitted in the CHMU district that is scary to him, such as light manufacturing.

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

Chair opened the public comment time for anyone in the room or on zoom.

Ken Fitch (zoom), 1046 Patton Street stated if this development is permitted by right, they will not know the density or the use and this could affect traffic in a major way. Chair stated over 50,000 sq. ft. would trigger a CZD but anything under 50,000 sq. ft. would be staff review and approval. He also stated the CHMU zoning district was established for this particular area.

Mr. Manley stated the City has the authority to zone any property. The general public can petition to have a property rezoned but the City has the authority to rezone it. They have to refer to the Comp Plan and they had the blessing of City Council when moving forward with creating the CHMU zoning district for this area.

Chair asked if C-3 was not compatible with the Comp Plan. Mr. Manley stated no, it does not meet the Comp Plan requirements for Activity Node or the design standards under Activity Node. It does meet the requirements however for the CHMU zoning district.

Traffic was also another concern. Ms. Cromar stated the CHMU district would promote a more walkable area and she feels it is more compatible.

Mr. Brown stated there are people living in this area and it is not just interstate frontage they have to consider.

Mr. Morrow stated the application is for the property to be zoned C-3. There is an approval for that in the suggested motions. There is also a denial motion which includes an approval recommendation for the CHMU zoning.

Ms. Peacock moved the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons: The rezoning is not consistent with the Comprehensive Plan. The rezoning is not compatible with the surrounding uses. The rezoning is not in the public interest because: There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. The rezoning will have a detrimental impact on the natural environment.

I further move that 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 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Brown seconded the motion which passed unanimously.

Chair asked that the motion be amended to use the word rezoning instead of development. Ms. Peacock amended the motion.

V(C) Conditional Zoning District - Application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and located on S. Allen Road. Mr. Morrow gave the following background:

The subject property was rezoned from Henderson County I, Industrial and OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

The proposed amendment is to allow the subject property to be subdivided into two parcels. The existing zoning is staying the same. This will still be considered a single development. Both parcels (if subdivided) will be tied to the approved site plan and uses. The property is 8.449 acres.

A Neighborhood Compatibility meeting was held September 28, 2021. No members of the public attended in person and only one citizen attended via Zoom. He had questions concerning ownership of the property, management of the property and traffic issues.

Parcels to the north are zoned Henderson County Office Institutional. To the east the parcel is bordered by a large vacant property that was annexed into the City and will be developed in the future. Parcels to the south around the intersection of Upward Road and South Allen Road are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Residential Development and contain commercial uses, a high density manufactured housing development and the Waterleaf at Flat Rock project which is a proposed 263-unit apartment complex. Parcels to the east across South Allen Road are zoned Regional Commercial which houses an RV campground and Henderson County Office Institutional which houses 4 Seasons Hospice and the Elizabeth House.

The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels to the north, east and south are also designated Regional Activity Center. This is the same designation as the previous project. Chapter 8, Land Use development goal is to fill in the infill areas with compatible uses.

The assisted living facilities normally have low traffic. This is included in the priority growth area and will extend infrastructure to the property.

Existing conditions of the site were shown.

There is a Blueline Stream on the property and the Transitional Area was shown on the site plan. There is a 10-foot Type B buffer along the southern property line.

Mr. Morrow discussed the height exemptions. He stated there is a section in the ordinance that states City Council must grant exemptions on height. The developer did provide a sun study and they will maintain shadows on their property.

The Design Review Committee reviewed the project. It does comply with the zoning code. There were only a few minor things added.

Staff does not have any recommended conditions. The Tree Board did not review this amendment.

Mr. Johnson asked about the design of the sidewalk. Mr. Morrow stated it will have to be 5 feet in width. They will have to extend it through the driveway and the sidewalk must run property line to property line. He asked since the previous project is a middle property between these two will there be a connection to it. Mr. Morrow stated that has not been determined yet.

Chair asked if each of the buildings met the parking requirements. Mr. Morrow stated yes, this is considered one large building.

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

Corey Mabus with Carolina Commercial Contractors stated the site plan is the same as the last time. They are only needing to subdivide the property due to financing. Things are tough in the Covid world and financing is easier on two tracts.

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

Chair opened the public comment and asked if anyone present would like to speak. No one spoke.

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

Mr. Brown moved the Planning Board recommend that City Council adopt an ordinance amending the approved site plan associated with the PRD-CZD zoning designation for the subject parcel (PIN 9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant finding that the amended zoning 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: This development is within a priority growth area as designated in the comprehensive plan (Chapter 8). The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8). The development provides additional senior housing options for the City of Hendersonville. Mr. Jones seconded the motion which passed unanimously.

V(D) Zoning Map Amendment – Application for a standard rezoning for the subject property PIN 9578-51-3579 and located at 0 Shepherd Street. Ms. Hunt gave the following background:

The applicant is the City of Hendersonville. Section 11-6 prohibits the applicant from discussing the specific manner in which they plan to use the property. The property is identified at PIN 9578-51-3579 and is currently a vacant lot. The property is 2.1 acres and is currently zoned R-15, Medium Density Residential. The proposed zoned is C-4, Neighborhood Commercial. The property is adjacent to Old Spartanburg Highway and can be accessed from Shepherd Street and Old Spartanburg Road.

As a standard rezoning there is no binding site plan or restriction of uses beyond what is permitted in the Zoning Code. The C-4 zoning district is already present in this area and this zoning would be an extension of the C-4 district.

The predominant uses in the area are residential however, C-3, Highway Business and C-4 Neighborhood Commercial are also found in the area. One single-family home sits directly on the corner of Old Spartanburg Road and Shepherd Street and is surrounded on the side and rear by the subject property. Parcels to the south of the property and across Old Spartanburg Road are zoned Henderson County Community Commercial. This zoning provides daily needs for the residents in this area. The subject property sits close to the intersection. Public uses are in close proximity to the residential uses in the area.

The proposed rezoning to C-4 aligns with the Comprehensive Plan's Land Use map and Development Chapter with the designation of this area as High-Intensity Neighborhood. The goal of the High-Intensity neighborhood 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 and promotes walkable neighborhood design.

Photos of the existing site were shown. There are site trees along the property line facing southeast from Shepherd Street.

Ms. Hunt stated the proposed zoning is supported by the Comprehensive Plan. The site is in a priority infill area. The site is in proximity of an Activity Node. The subject property is adjacent to the C-4 zoning district. Proposed zoning allows for the incentivization of infill development and the need for additional opportunities to provide for the frequent daily needs of residents of the surrounding neighborhoods.

Mr. Blatt asked if a government entity had the right to build anything they wanted to and is this zoning change really needed. Ms. Hunt stated they can build what is permitted. Mr. Blatt stated he is not talking about permitted uses. Ms. Hunt stated under Section 5-9-2 under Special Uses public utility facilities are allowed. Mr. Manley stated it is public knowledge what is being proposed at this site. Public Utility Facility is defined in the ordinance as *any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunications towers, antennas and other telecommunication devices.*

Mr. Manley stated the supplementary standards have to be met and are as follows:

16-4-22 Public Utility Facilities.

- a) Lots must conform to minimum setback and yard requirements of the district in which they are located. Unstaffed utility structures with internal floor space of less than 600 ft² are exempted from the minimum lot size requirement.
- b) Electric and gas substations and sewage treatment plants will be separated by a ten-foot B type buffer meeting the specifications of Article XV from the street and any abutting residential use or any property located in a residential zoning district.
- c) Control houses, pump and lift stations, and other similar uses shall be screened from the street and any abutting residential use or any property located in a residential zoning district.
- d) A fence not easily climbable or comparable safety devices must be installed and maintained in order to deter access to the facility.

- e) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.
- f) The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residential properties, if such exist.
- g) The Board of Adjustment may give relief from these requirements so long as public safety and neighborhood compatibility are protected, if strict adherence would constitute a hardship or is unnecessary.

This would have to be reviewed and approved by the Board of Adjustment.

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

Adam Murr, 160 6th Avenue East stated he was there to speak on the City's behalf. The property was purchased in 2019 for public use. It meets the criteria, and it is adjacent to residential property.

Chair asked if there were any questions for Mr. Murr. There were none.

Chair opened the public comment time for anyone in the room or on Zoom. There were no comments.

Chair closed the public comment.

Ms. Cromar 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: 9578-51-3579) from R-15 Zoning (Medium Density Residential) to C-4 (Neighborhood Commercial) Zoning District based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Blatt seconded the motion which passed unanimously.

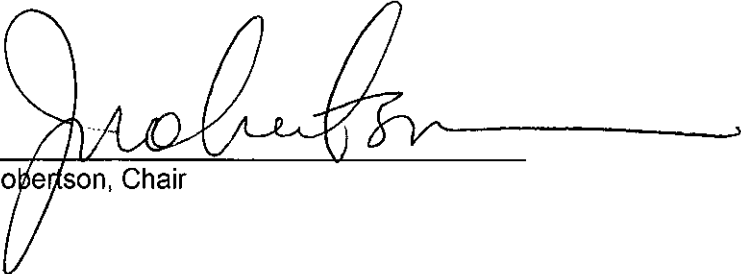
Mr. Manley stated the motion for the first item (VA) Private Clubs needed to be made.

Ms. Peacock moved the Planning Board recommend City Council approve an ordinance amending the official Zoning Ordinance of the City of Hendersonville, Article XVI Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs, removing all Supplementary Standards associated with Private Clubs further that Private Clubs be reclassified from a Special Use to a Permitted Use in the C-1, C-2, C-3, CMU and I-1 zoning districts finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 4 – Goal CR-4 and Chapter 8, Strategy LU-1.1, and Goal LU-10 and that the zoning text amendment is reasonable and in the public interest for the following reasons: It will promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts. It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base. It reflects adaptation by the City to changing market trends in entertainment and hospitality. Mr. Hanley seconded the motion which passed unanimously.

Chair asked if they left the Special Use and took away the spacing requirement would it still have to go before the Board of Adjustment. Mr. Manley stated yes, but the only standard would be the lighting.

VI Other Business. None

VII Adjournment – *The meeting was adjourned at 5:57 pm.*



Jim Robertson, Chair