

**Minutes of the Planning Board
Regular Meeting - Electronic
June 13, 2022**

Members Present: Stuart Glassman, Neil Brown, Tamara Peacock, Barbara Cromar, Frederick Nace, Jon Blatt (Vice-Chair)

Members Absent: Jim Robertson, Chair, Peter Hanley

Staff Present: Matthew Manley, Planning Manager, Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Angela Beeker, City Attorney and Terri Swann, Administrative Assistant III

- I** **Call to Order.** *The Vice-Chair called the meeting to order at 4:00 pm. A quorum was established.*
- II** **Approval of Agenda.** *Mr. Brown moved for the agenda to be approved. The motion was seconded by Mr. Glassman and passed unanimously.*
- III** **Approval of Minutes for the meeting of May 9, 2022.** *Ms. Peacock moved to approve the Planning Board minutes of the meeting of May 9, 2022. The motion was seconded by Mr. Brown and passed unanimously.*
- IV** **Old Business**
- V** **New Business**
- V(A)** **Conditional Zoning District – AAA Storage Expansion (P22-37-CZD).** Mr. Manley gave the following background:

The city is in receipt of an application for a Conditional Zoning District from Dennis Dorn of CD-Mat, LLC, applicant and Thomas and Sherry Thompson, property owners. The applicants are requesting to rezone the subject property PIN 9579-75-6816 and located at 762 Sugarloaf Road, from R-15, Medium Density Residential to PCD CZD, Planned Commercial Development Conditional Zoning District for the expansion of the existing AAA Storage facility. The proposal includes the addition of five buildings totaling 49,692 sq. ft. The proposal would include a recombining of the subject property with the adjacent lot to create a single parcel. The proposed expansion will include a 2.48-acre parcel. Once combined the site would be a total of 8.28 acres.

Mr. Manley pointed out the parcel and its location on a GIS map.

Site photos were shown.

This expansion did not trigger a TIA.

Some city staff had comments and concerns and those concerns have either been addressed or will be addressed prior to final site plan approval. These comments are listed in the staff report.

The developer proposed a condition which is a 10-foot setback proposed along the eastern property line as there is an approved right-of-way on the adjacent property, which is the Apple Ridge site, that has not been platted yet. Once platted the proposed setbacks will conform with the zoning code standards.

The Tree Board had conditions which are included in the staff report. All of those conditions have been agreed to by the developer.

A Neighborhood Compatibility meeting was held May 4th. It was lightly attended.

The current land use and zoning were shown in the presentation and is included in the staff report.

The Future Land Use Designation is Business Center and High Intensity Neighborhood. The uses surrounding the property were discussed and are included in the staff report.

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

General Rezoning Standards were discussed from the staff report.

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

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

Mr. Brown asked if it was relevant that the housing project recently approved adjacent to the property was called "affordable". Mr. Manley stated it was not relevant, but just a description.

There were no further questions for staff. Vice-Chair asked the developer to limit his presentation to 10 minutes.

Will Buie, Engineer with WGLA stated the AAA facility was constructed 10 years ago on Sugarloaf Road. It is owned and operated by a local family, and they own and operate other facilities in Henderson and Buncombe County. There are no available units at this facility and storage units are a much-needed use in the area. Photos of the existing facility were shown. Mr. Buie stated a large buffer is provided. An aerial view of the property was shown. This project is a sister project to the Apple Ridge development. He stated the facility had always planned for this expansion.

A preliminary site plan was shown. Mr. Buie pointed out the existing facility and the proposed right-of-way. He pointed out the landscaping around the perimeter. Mr. Buie stated they are proposing to pipe a small portion of the stream and he pointed this out on the site plan. This will reduce the potential for erosion. They will have lighting on the building and only do down lighting with cut-offs.

There were no questions for the applicant.

Vice-Chair opened the meeting for public comment. He asked that comments be kept to three minutes.

Ken Fitch, 1046 Patton Street (Zoom) asked about the security fencing and if the fencing would be placed within the Type B buffer or sidewalks.

Vice-Chair closed the public comment.

Mr. Buie stated the buffer and sidewalks are outside of the security fencing area.

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN 9579-75-6816) from R-15, Medium Density Residential to PCD CZD Planned Commercial Development Conditional Zoning District based on the site plan and list of conditions submitted by and agreed to by the applicant dated May 18, 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, Permitted Uses: Mini-warehouses. 2. 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 subject property is located in an area designated as a development opportunity and priority growth area according to the City's 2030 Comprehensive Plan. 3. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The development of mini warehouses will be an extension of an existing use. 2. The mini warehouses will be in close proximity to recently approved affordable, multi-family housing and 3. The petition provides access from a minor thoroughfare as required in the PCD zoning district. Mr. Brown seconded the motion which passed unanimously.

Vice-Chair asked to be recused and have Ms. Peacock preside over the next two items.

V(B) Zoning Map Amendment – Standard Rezoning – Erkwood Drive (Kilpatrick) (P22-48-RZO). Mr. Manley gave the following background:

The city is in receipt of an application for annexation from Cameron and Kina Kilpatrick, property owners for a 1.89-acre tract along Erkwood Drive near the intersection of Greenville Highway and Shepherd Street. The request is to rezone this parcel from Henderson County R-40, Estate Residential to GHMU, Greenville Highway Mixed Use.

Current land use and zoning was discussed. Mr. Manley compared the uses for the R-40 zoning district and the GHMU zoning district. This comparison is included in the staff report.

Site photos were shown.

In absence of a Future Land Use Designation the Henderson County Designation is Community Service Center. Staff has recommended that a Future Land Use Designation of the City of Hendersonville be applied.

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

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

This property does contain some 100-year Floodplain.

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

Ms Peacock asked if there were any questions for staff. There were no questions for staff.

Mr. Manley clarified that the applicant for this rezoning is the City of Hendersonville.

Ms. Peacock opened the hearing for public comment.

Rick Huhn, 116 Erkwood Drive stated about four years ago the property was rezoned to LC. He was confused on why it is listed as R-40. What advantage is there going from LC to GHMU? He was concerned about high density apartments being built on the property and this being a residential neighborhood area.

Ms. Peacock stated one advantage is the property will have access to public services by annexing. Mr. Manley stated the zoning could be an error on the zoning map. Mr. Huhn stated he has water and sewer and did not have to annex. Mr. Manley stated currently there is a policy in place that you must annex for city sewer.

Ms. Peacock stated she was not going to read the written comment from Mr. Huhn as he has voiced the same concerns.

Mr. Holloway stated there needs to be formal action taken on the Vice-Chair's recusal. Ms. Peacock stated Mr. Blatt had contacted her today and felt he needed to recuse himself because someone in his office is part of this rezoning. Mr. Blatt stated he would like to recuse himself due to a potential conflict of interest.

Mr. Glassman made a motion to allow Jon Blatt, Vice-Chair to recuse himself due to a potential conflict of interest. Mr. Nace seconded the motion which passed unanimously.

Mr. Nace asked if this was just a rezoning request and not a request to annex. Mr. Manley explained this was only a request to rezone. The annexation request will run concurrently with this rezoning request but they are separate applications.

Mr. Brown asked if any proposed development would have to go through the process. Mr. Manley stated yes, and the permitted uses for GHMU would apply.

Mr. Nace moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9577-18-7316 from Henderson County R-40, Estate Residential zoning district to City of Hendersonville GHMU, Greenville Highway Mixed Use based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from staff analysis and because the proposed zoning presents an opportunity for compatible infill development and a mix of land uses as called for in Chapters 2,8 and 9 of the City's 2030 Comprehensive Plan. 2. Additionally we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because 1. Greenville Highway Mixed Use is the predominant zoning in this area. 2. The petition aligns with the Henderson County's Future Land Use designation. Furthermore, we recommend designating the Future Land Use of the parcel as High Intensity Neighborhood and Natural/Agricultural Resources for the portion of the subject property located in the 100-year Floodplain. Mr. Brown seconded the motion which passed unanimously.

Vice-Chair Jon Blatt asked that he be recused from this item due to a potential conflict of interest with one of the applicants..

Mr. Glassman moved the Planning Board to allow Jon Blatt, Vice-Chair to recuse himself due to a potential conflict of interest. Ms. Cromar seconded the motion which passed unanimously.

V(C) Zoning Map Amendment – Standard Rezoning – Upward Road (Justus-Erwin) (P22-49-RZO). Mr. Manley gave the following background:

The city is in receipt of an application for annexation from Jeff Justus and James and Ruth Erwin, property owners for a group of three parcels totaling 3.795 acres along Upward Road at the intersection of Ballenger Road. The applicant has not requested zoning; therefore, the city is initiating zoning for this parcel from Henderson County Regional Commercial to City of Hendersonville CHMU, Commercial Highway Mixed Use. This zoning district includes design standards for all uses other than single and two-family.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside the City's ETJ but within the Upward Road Planning District.

The Upward Road Planning District was shown and explained.

The current land use and zoning were shown in the presentation and included in the staff report.

A comparison of the Henderson County Regional Commercial zoning and the City of Hendersonville CHMU, Commercial Highway Mixed Use zoning was shown and included in the staff report.

Site photos were shown.

Site distance concerns will be addressed with NCDOT.

The Future Land Use is Henderson County Community Service Center and Industrial and City of Hendersonville Regional Activity Center.

The Comprehensive Plan Consistency chapters were shown and discussed and are included in the staff report.

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

A draft Comprehensive Plan Consistency Statement was shown along with a Reasonableness Statement.

Ms. Peacock asked if there were any question for staff. There were no questions.

Ms. Peacock opened for public comment.

Ms. Peacock closed the public comment portion of the meeting when no one spoke.

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's: 9588-40-6934, 9588-40-7844, 9588-40-8795) from Henderson County RC, Regional Commercial zoning district to City of Hendersonville CHMU, Commercial Highway Mixed Use based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from staff analysis and because: The proposed zoning provides design standards which align with most of the design guidelines outlined under Strategy LU-9.4 of the City's 2030 Comprehensive Plan. Furthermore, we find the petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because 1. Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area. 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area. 3. The property is located in an area designated as a "Priority Growth Area" according to the City's Comprehensive Plan. Mr. Glassman seconded the motion which passed unanimously.

Mr. Blatt resumed his role as Vice-Chair.

V(D) Zoning Map Amendment – Standard Rezoning- Edwards Park (P22-52-RZO). Mr. Manley gave the following background:

The City of Hendersonville is initiating a rezoning for a remnant of property zoned C-3, Highway Business on a parcel (PIN 9569-70-5860) owned by the Hendersonville Board of Education. The parcel is split zoned R-6 and C-3. An exempt subdivision occurred involving the subject property on September 3, 2021 which reduced the size of the parcel and reduced the portion zoned C-3. The proposed rezoning would eliminate the split zoning making the entire parcel R-6, High Density Residential. This would be considered a downzoning and would change the dimensional requirements.

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

A comparison of the R-6 and C-3 zoning was shown and is included in the staff report. The impact of the rezoning is not significant.

Site photos of the property were shown.

The Future Land Use designation is Natural Resource/Agricultural.

The Comprehensive Plan Consistency chapters were shown and discussed and are included in the staff report.

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

A draft Comprehensive Plan Consistency Statement was shown along with a Reasonableness Statement.

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

Vice-Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street, (Zoom) had concerns about parking and the VFW multi-use building on the property. He was concerned this would change what can occur in that area. Parking is a major issue.

Vice-Chair stated the Board is not here to determine what can occur on the property or what they will do with the property. They are here to only consider the rezoning request to R-6 and nothing more. The parking concerns are a question for down the road.

Vice-Chair closed the public comment.

Ms. Cromar moved Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9569-70-5860 from C-3, Highway Business and R-6, High Density Residential to R-6, High Density Residential based on the following: 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 Future Land Use designation of Natural Resource/Agricultural Area recommends primary uses which are compatible with publicly-owned properties zoned R-6, High Density Residential. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. R-6 zoning would be an expansion of the primary zoning classification of the subject property. 2. R-6 zoning permits uses which are compatible with surrounding land uses. 3. R-6 zoning contains dimensional standards

which are compatible with the surrounding built environment. Mr. Glassman seconded the motion which passed unanimously.

V(E) Zoning Text Amendment – Sidewalk Requirements (P22-46-ZTA). Mr. Manley gave the following background:

The City of Hendersonville is initiating a Zoning Text Amendment related to requirements for Sidewalks (Sec. 6-12).

Mr. Manley stated the primary change relates to the distance requirements. The current distance triggering construction of sidewalks is applied to subject properties within 1.5 miles of specified public amenities. The proposal is to reduce the distance to .5 miles while expanding the list of what qualifies as a sidewalk-triggering public amenity. The proposed amendment will also clarify how measurements are determined and the fee in lieu of process.

The Planning Board Legislative Committee met and had a good discussion.

Mr. Manley stated any multi-family development would have to construct sidewalks. Vice-Chair asked if a duplex was considered multi-family. Mr. Manley stated multi-family is considered three units or more.

Mr. Manley went over the revisions which are included in the staff report.

Mr. Manley stated the Subdivision Ordinance allows for three exemptions from sidewalks. Those exemptions are not included in the Zoning Ordinance which makes the stricter of the two ordinances apply. This change will also match the Zoning Ordinance and the Subdivision Ordinance concerning sidewalks.

Mr. Glassman asked about single-family homes having to construct sidewalks. Mr. Manley stated if the homes met the requirements they would have to put in the sidewalk. It has to fit into one of the categories to not have to put them in. Multi-family and commercial will always have to put in the sidewalks.

Vice-Chair asked if any studies have been done to find land not around a half mile of a public amenity. Mr. Manley stated they have not done a vacant parcel analysis. The 1.5-mile requirement covers almost the whole city.

Vice-Chair asked if there have been projects approved for a fee in lieu of a sidewalk. Mr. Manley stated yes.

Mr. Holloway explained the rate for the sidewalks and how the city came up with the rate. He also explained the city discussing park master planning and Council approving a position in Public Works for this.

A draft Comprehensive Plan Consistency Statement was shown.

Vice-Chair asked if there were any questions for staff. Mr. Brown was concerned about the fee in lieu of sidewalks being placed in and used out of the General Fund. Mr. Manley stated the Finance Department is setting up a dedicated fund for infrastructure for this to be used for. Mr. Holloway stated they are engaged in a pedestrian plan and some of the fee could be used for that infrastructure.

Vice-Chair opened the meeting for public comment.

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

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VI – General Provisions, Section 6-12 Sidewalks, based on the following: 1. The petition is found consistent with the City of Hendersonville 2030 Comprehensive Plan based on information from staff analysis and the public hearing, and because: The 2030 Comprehensive Plan calls for the City to continue to require adequate public facilities for new developments, to promote safe and walkable neighborhoods, to provide pedestrian connections to services and public facilities, and to develop a multi-modal transportation network. 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 text amendment reduces the trigger for sidewalk construction for new developments to a ten-minute walk (0.5 miles). 2. The text amendment ensures that additional public amenities are considered when determining if sidewalks are required as part of a new development. 3. The text amendment aligns with requirements for sidewalks found in the Subdivision Ordinance. 4. The text amendment ensures that multi-family developments will require sidewalks or a fee-in-lieu of sidewalks. Mr. Brown seconded the motion which passed unanimously.

VI Other Business. Vice-Chair asked Angela Beeker, City Attorney why folks giving public comment had to state their address. He understood the need for the name but not their address. Ms. Beeker stated she will look into this and have an answer for him at the next meeting.

VII Adjournment – The meeting was adjourned at 5:28 pm.



Jim Robertson, Chair