

**Minutes of the Planning Board
Regular Meeting
September 11, 2025**

Members Present: Jim Robertson, (Chair), Tamara Peacock (Vice-Chair), Donna Waters, Bob Johnson, Laura Flores, Mark Russell, David McKinley

Members Absent: Kyle Gilgis, Lauren Rippy

Staff Present: Sam Hayes, Planner II, Matthew Manley, Long Range Planning Manager, Lew Holloway, Community Development Director

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

II **Approval of Agenda.** *Ms. Waters moved to approve the agenda. The motion was seconded by Ms. Peacock and passed unanimously.*

III(A) **Approval of Minutes for the meeting of August 14, 2025.** *Mr. Johnson moved to approve the Planning Board minutes of the meeting of August 14, 2025. The motion was seconded by Ms. Waters and passed unanimously.*

IV **Old Business**

V **New Business**

V(A) **Zoning Text Amendment – CMU Lot Size and On-Street Parking (25-55-ZTA)** Mr. Manley gave the following background:

Mr. Manley stated this is a zoning text amendment addressing the CMU zoning district. There are some other changes from other sections of the ordinance included, but it's all related to the Central Mixed Use zoning district. We have an applicant that submitted this request, Watermark Landscape Architects. The request is to reduce or eliminate the minimum lot size requirements in CMU and also to allow on-street parking that's available to count towards the parking requirements for a development.

A map of the CMU zoning district was shown and discussed and is included in the staff report and presentation.

The proposed amendment for CMU was discussed and is included in the staff report and presentation.

The proposed amendment additions for CMU were discussed and are included in the staff report and presentation.

The MUTCD standards were shown and discussed and are included in the staff report and presentation.

The proposed amendment of off-street parking was shown and is primarily staying the same. This is included in the staff report and presentation.

The proposed amendment for the minimum lot size was shown and discussed and is included in the staff report and presentation. This would align the CMU district with all the other mixed use districts. Mr. Manley stated staff is in support of this change as well.

The changes for general provisions for the off-street parking standards were discussed and shown and are included in the staff report and presentation.

Comprehensive plan consistency was discussed and is included in the staff report and presentation.

The relationship to the Gen H Comp Plan Character areas were discussed and included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Consistency statement was included in the presentation and staff report.

A draft reasonableness statement for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Chair asked about the 33% and discussion was made on the parking spaces.

Chair stated if the theory is we're becoming a multimodal community, more bicycles, bicycle friendly, then perhaps somebody might live in an apartment downtown and have a bicycle and go to work on that. Maybe add something in the text amendment about requiring bicycle storage if there's' over a certain number of units, something like that. Mr. Manley stated they discussed this in the committee meeting and he thinks it would be a great addition.

Discussion was made on bicycle requirements. Lew Holloway, Community Development Director stated this sounds like a larger change and since this is an applicant driven application, This is not a city initiated text amendment. He thinks there are a couple of factors that he suggests should be discussed in a committee meeting first.

There were no further questions for staff.

Chair asked if the applicant would like to speak.

Hunter Marks with Watermark Landscape Architecture stated he felt like Mr. Manley covered it very well. Speaking as a business owner in Hendersonville and living here for the time he has and seeing what is going on, he thinks in general this is just something, this is the way the city is moving. This is a downtown support district. We really need to think about more density and something like this would allow townhomes where right now CMU really doesn't make that practical. It's hard to do. We need to be a little bit less car-centric. He thinks this would allow that as well. He thinks we still have plenty of opportunities for parking but the more opportunities we have reasonably, reduce the requirements for that, that's better environmentally, it's better economically and he thinks it's better all around the town. He thinks this is the only mixed use district that has a minimum lot size and there are other districts that do allow for partial use of on-street parking. Again, he thinks it's pretty reasonable and he thinks in general it is just an overall good thing.

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

Chair opened public comment.

Ken Fitch, 1046 Patton Street stated there many aspects and future impacts to consider from this text amendment. Clearly, the applicant may have a project which this proposal would facilitate and it may be a location where this is feasible but when we look at the map, there are many locations with a very specific character and locations for which issues would emerge. Some streets are wide and free-flowing and some are not. The packet acknowledges that CMU represents zoning for some of the most historic parts of historic Hendersonville. New development and redevelopment within this district will have lasting impacts on the city's character. We have no design standards now and incompatibility is an issue. Parking is already a sensitive subject as you have heard over and over. He stated the new courthouse will have issues with parking as a parking deck is no longer being built. That overflow parking will be searching nearby streets for spaces. There could also be issues with the Ecusta Trail visitors and parking. Once this is enacted it will be what it will be and there will be no way to fix it.

Bonnie Likens, 744 North Grove Street stated she has had a house here for about seven years. She came to this meeting and drove around the block three times to find a parking space and then said, "what am I doing?" She went back home, parked her car and walked. She just wanted to reinforce that a pedestrian environment does not come easily. You have to get out and walk.

Chair closed public comment.

Chair stated the CMU district does surround the courthouse area, does it not? Mr. Manley stated yes it is in that vicinity. Chair stated and they did reduce their number of parking spaces when they axed the garage. Mr. Holloway stated the city never saw a site plan that included the garage. There was never a project submittal from the county that included a parking garage. As he understands it, they had discussed that internally and the commissioners considered it early in the design development but it never came to the city. The project that came to the city did not include a garage as was stated but it did meet the parking requirements for the facility. There was a request for a condition to reduce the parking required by code.

Discussion was made on the on-street parking situation and the width of the spaces. Discussion was also made on mixed use districts traditionally having design standards. Mr. Manley stated the CMU district does have some design standards.

Ms. Peacock moved Planning Board recommend City Council adopt an ordinance amending the official zoning code of the City of Hendersonville Article V. – Zoning District Classifications, Article VI. General Provisions, Article VII. Development Review, to eliminate minimum lot size requirements and to allow qualifying on-street parking to count towards minimum parking requirements in the CMU zoning district based on the following: 1. The petition is found to be consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing because: The proposed amendments aligns with the Gen H Comprehensive Plan Future Land Use and Conservation Map and the Character Area Descriptions. 2. Furthermore, we find this petition in conjunction with the recommendations presented by staff to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed amendment creates an opportunity to accommodate infill development.. 2. The proposed amendment allows for greater utilization of existing infrastructure. 3. The proposed amendment increases opportunities for additional housing in city core. Mr. Manley stated to clarify in the motion the one-third thing and then to mirror the language in both A and B that it has to be abutting the right-of-way. Ms. Peacock clarified this for the motion. Mr. Johnson seconded the motion which passed unanimously.

V(B) Zoning Map Amendment– Standard Rezoning – Locust Street (25-58-RZO). Mr. Manley gave the following background:

Chair stated when a property is rezoned you have to consider all the uses. So therefore the applicant cannot tell the Board and city staff cannot tell us what is proposed here. We have to consider all of the different uses that are allowed in the new zoning district.

Mr. Manley stated there have been updates to the staff report and changes to the motion and additions to the properties included in this. The applicants are Daniel Huggins and Hailey Lamoreux and they have submitted a petition for a standard rezoning for their property at 824 Suite 400 on Locust Street. This is the last building to the northwest in the row of buildings on Locust Street between Lynn Street and 8th Avenue. This application is serving as a catalyst for a small area rezoning for the surrounding properties, all of which are zoned I-1. Staff is proposing that each of these properties be rezoned to CMU. A nearly identical situation was before you in November of last year. You may remember just one block from here, the entire block from Track Street to 7th Avenue and from Maple Street to Locust Street were all rezoned from C-2 to CMU. The block had about nine properties. We had a single applicant and staff recommended that all of those, the entire block be rezoned from C-2 to CMU and that passed and that aligned with the Comp Plan and the changing conditions in the 7th Avenue District.

Mr. Manley stated what makes this unique is that one month later, in December of last year, the North Carolina General Assembly passed a bill, Senate Bill 382, that stripped the authority of municipalities to rezone properties in certain situations, without the owner's consent. This proposed small area rezoning is one of those situations. This is based on one basic fact, that the current zoning of I-1 allows more permitted uses by right than the number of permitted uses under CMU. This difference in the total number of permitted uses is the sole determining factor that's making this a down zoning. Down zoning, by state law (new state law) requires property owner's consent. There are several other factors of the situation that suggest that rezoning to CMU would, in reality, be more favorable to the property owners than the I-1 zoning and be more in line with the changes that have occurred in the area. Staff invited the neighboring property owners to participate, to give their consent and to participate and take advantage of the opportunity. Staff is waiving application fees like we would with any other city initiated rezoning. To date we have four property owners that have fully consented. We have two other condominium property owners that need at least one more condo owner to agree for that entire property to come in. All the properties in purple were invited and informed and encouraged and communicated with but only some have consented so far.

Mr. Manley stated beginning in early August, staff developed a communication plan once we received the initial application and we started engaging with all the property owners in multiple forms, including hosting a meeting for them on August 26th. This meeting was well attended and all information has been clearly communicated in verbal and written form. To date, some have shown some skepticism though staff has done their best to convey all the facts. All existing businesses and uses of these properties that are shown on screen would still be allowed under CMU. There's no impact to any existing businesses. I-1 allows other uses that CMU does not. That would potentially be considered incompatible with this area. So there is the potential for negative impacts from currently permissible uses, such as, adult bookstores, video gambling, storage yards, body shops with outdoor storage, treatment plants, concrete plants, etc. All those things are allowed by right currently, under I-1. CMU on the other hand allows uses that I-1 does not allow that would be considered the highest and best economic use for this area based on the prevailing market trends. These additional uses complement and conform with the emerging identity of the district. There are potential new economic opportunities that would be gained under CMU if it was rezoned, such as multi-family residential with no density cap, music and art studios, professional office, etc. Taxes would not be impacted, changing the zoning would not increase the tax rate. The existing buildings are all nonconforming which means if they are substantially damaged they would not be allowed to rebuild without meeting the I-1 setbacks and most of these properties have zero setbacks and are very small in size. If

they had to rebuild, they would have a 30-foot front setback, 20-foot side setback on both sides and a 20-foot rear setback. That would encompass some of those properties entirely. The minimum lot size for I-1 is 40,000 square feet. The average lot size for parcels along Locust Street is 10,000 almost 11,000 square feet and the smallest parcel is 3,000 square feet. All this to say, the current zoning does not align with the existing character of the area. If you wanted to add an addition to the rear or anything you would have to meet those I-1 setbacks. Under the CMU zoning, the setbacks would allow for additions. It would also make all these buildings go from nonconforming to conforming so they would no longer be subject to those nonconforming limitations.

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

Comprehensive Plan Consistency Future Land Use Map was shown and discussed and is included in the staff report and presentation.

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

Comprehensive plan consistency was discussed and is included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Consistency statement was included in the presentation and staff report.

A draft reasonableness statement for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Mr. Johnson asked how much effort was put into talking to the these folks that didn't want to do this. Mr. Manley stated there were between downtown staff and planning staff eight or nine emails. Everyone received a letter in the mail. Staff visited in person multiple times and then had a meeting where everyone attended. It was a lot of work and that was done between the deadline for applications which is the first Friday of August until this morning. This was a completely different set of demands on staff to be able to bring this to you. Not just planning staff but legal staff because this is kind of new territory. This is the first one like this done under new state law.

Chair stated there are only three areas of the city that are zoned I-1 that he knows of. One out by Berkeley Mills, one right here on Locust Street and one over by Whitted Street where Trailside Brewing is, Lenox Station. He could see the same thing happening over by Lenox Station where it is no longer Industrial. There is not even a railroad there anymore and that was the reason it was zoned Industrial. If we reduce the amount of I-1 in the city to only out by Berkeley Mills, have we broken any state laws or do we have to keep a percentage of the land in that I-1 designation, because we only allow certain types of businesses in that area. Mr. Manley stated certainly not any type of legal standard for a certain percentage. It is more strategic, we need to be thinking about the future. There are benefits to industrial uses. The city wants them, we have got to find the right places for them. The Future Land Use Map has identified several new areas beyond the ones that are zoned industrial where we said this would be appropriate to recruit or incentivize these types of uses in these areas. Mostly out along larger roadways.

Ms. Waters stated in talking with these folks that own the other properties that did not agree, what were their objections to losing the I-1 zoning. Mr. Manley stated there were comments about their taxes going up. That was something they believed or questioned. Here were some questions about the change in character, potential limitations. They had one property owner that said if they land a tenant that wants to

make concrete, he wants them to be able to do that. He wants to have that opportunity to accommodate that tenant. There were certain uses they wanted to maintain.

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

Chair asked if the applicant would like to come up and address the Board.

Daniel Huggins stated he was here with his wife Hailey Lamoureux and he is a Hendersonville native and his wife has been a downtown business owner for 21 years and a Main Street property owner for ten years. They own the current Bliss Salon at 421 N. Main Street. They love old buildings and they love Hendersonville and they have restored many historic houses here in town. They only specifically ask that their property at 824 Locust Street be rezoned. They did not intend to impact any of the neighbors. They want to be rezoned from I-1 to CMU. When they purchased the property back in February, the I-1 designation allowed for residential use. Back in May there was a text amendment that removed that usage. The Coke buildings' historic character, location and massive potential drew it to them years ago when they were taking their kids to Bruce Drysdale. They were finally able to purchase the building with the goal of converting it into mixed-use space that would be their dream home and also offer passive income and be a retirement plan someday. Their plan is to restore the façade. Chair stated this is a rezoning so they have to consider all the uses and not the specifics.

Mr. Huggins stated as they did with their Main Street property, they found images from the Baker Barber collection that show how the building was in 1926 and their plan is to restore, very close, to that for the façade to maintain the historical significance. They are excited about the 7th Avenue revitalization and excited to be part of that growth. They think the CMU designation will better reflect the recent changes to the area and better connect the historic Cold Springs and Hyman Heights neighborhood to the 7th Avenue district and Main Street. They believe having a full-time occupancy in the building that's been vacant for quite some time will be well lit and well maintained and it will improve the walkability and overall the neighborhood and surrounding areas and it fits better. A CMU designation fits better with the neighbors, being the elementary school and Episcopal church and the other retail businesses and adjoining neighborhoods. In the last 25 years that the building has been vacant, it's suffered from vandalism and neglect. Renovating it will improve surrounding property values and help promote economic growth in the area. They think that this is a chance to move forward with a vibrant, economically resilient future. Aligning with the city's long term goals as stated in the Gen H Comprehensive Plan.

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

Chair opened public comment.

Kevin Rhea, 824 Locust Street, Suite 100 stated they are neighbors right next door. He stated they are still on the fence about doing CMU or not. He needs the Board to understand as a property owner, that's their nest egg, that building. It's their only source of income right now and they plan on holding onto it for ten more years and they want to keep it rented. They have had renters in there consistently for seven years and have owned it for 24 years. They had their business in there as a warehouse. They were hanging garments, they were shipping, they had 40-foot containers in and out all the time that would go past Mr. Miller's business and they had a thriving business that was eventually sold. He just needs the Board to understand that is why they are on the fence. They don't want to be hindered if somebody said a concrete company wants to come in and they have trucks they want to go in and out the front of the building. They don't want to limit themselves to who they can rent to. That is his main concern. There were others with similar concerns as theirs at the one meeting they had. He stated the thing with their property is it's an 11,000 square foot warehouse and it's not really suited for any other use. It is a big steel building, steel roof and steel on one side. It is very well heated and the person they rented to completely redid the offices and it has gorgeous offices and a little showroom but the back end of it, which is probably compromised is

like 10,000 square feet. It is just a big empty shell. You could put a car dealership in there if you wanted to. There's many uses for it but under CMU they would be limited to who they could rent to and potentially sell to. They discussed the easement behind the building.

Mr. Rhea discussed condos going up and not being able to use his property if a tenant needed to bring in 40-foot containers. He felt like this zoning change could potentially hurt them. It could cause them financial hardship. Ms. Rhea asked if there was any way they could leave their suite as I-1 since they are both located in the same building. Chair stated they would find out. Mr. Rhea asked about the damage and if there was damage to their building they could not build back. What amount of damage would cause him not to be able to build his building back? He discussed a car running into the building and stated if he had to take down the building he would lose a fortune. He would lose his entire value of that building, if you enforce that law. Chair stated he made a note of that as well. Mr. Rhea asked that they give him some time to figure this out. He has only known about it for a month.

Mr. Rhea stated he has a tenant in there that has a five year lease. They just resigned. The current tenant would conform with the CMU requirements. An eventual new tenant may not. That is what they are concerned about. If a condo development did go up while he had that tenant in there and he needs 40-foot containers delivered, it would hurt his business. They make specialized fabrics for the military. They cover jeeps, tanks, airplanes and make special high-tech fabrics to keep them from rusting. They have huge bolts of fabric that are very heavy.

Bonnie Likens, 744 N. Grove Street stated she walks her dog every day, sometimes twice a day past that building for the past seven or eight years. It has been empty and so she just wanted to make sure that the people who bought it are allowed to make it into something that's compatible with where she is located. She thinks that a residential use should be allowed there. She thinks the idea that it's industrial, you know, Coca-Cola might have considered it industrial but she doesn't really think that an industry nowadays would want a two-story big box building and she is not sure they would be able to find an industrial client to go in that space anyway. She felt like the historic nature of the building would suffer with industrial in it now. She supported the change to CMU.

Chair closed public comment.

Chair stated there was a question about having the same address but if my address is 723 Locust Street but I am Suite 100 and you are Suite 400, since we are both 723 and you change the zoning on my property, does that change the zoning on the other property? Mr. Manley stated according to Henderson County tax records, these are individual parcels. One is the Coke building, that's the subject property. That is its own fee-simple property. Next to it is a really tiny sliver of a building, that is its own property. Whether it was part of a building and a shared common wall was added, he does not know. They are their own properties. He discussed the parcels that had their own fee-simple property. This is multiple buildings that do similarly have different suite numbers but it is condominiumized. The ground is owned in common so it is different from the other ones. These have suite numbers and don't have independent individual addresses and it is just the way addressing was handled a long time ago. He does not know why. It's kind of a legacy thing due to the age of the structure. Individual properties can be rezoned, ideally we try to avoid individual properties having a different zoning than an abutting neighbor or an enclave of one zoning district surrounded by a different zoning district. We work really hard to try and avoid that as well as split zoning of the same property but technically they can be rezoned if it is found reasonable to do so.

Chair stated if it is a legal nonconforming building and it is damaged more than 50%. Mr. Manley stated if the cost of the repairs exceed 50% of the building value, not the full taxable value but just the building value then you have to conform. This has nothing to do with the rezoning other than it is an existing fact that we are sharing to say, your nonconforming building, this rezoning would make you conforming. Chair stated if

he had a nonconforming building and the zoning changed and it became conforming, then the 50% rule goes away. Mr. Manley stated that is correct.

Discussion was made on nonconformities and rezonings.

Mr. Manley discussed the process and having to add the other properties on a public notice. They have given the other property owners one more week.

Chair reopened the public comment.

Ms. Liken asked if the property is nonconforming when they sell that property don't they have to say that the new owner, that this is nonconforming and that if something happens to the building. It just seems like a liability that you would have to pass on to the next owner to be nonconforming.

Mr. Rhea asked if you guys as a council do adopt CMU, are we forced into it or not? By law can we still opt out? Chair stated this is only going to be a recommendation to City Council. City Council still makes the final decision on the four properties that have consented.

Chair closed public comment.

Chair discussed the buffering requirements.

Ms. Waters moved 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 properties possessing PINs 9569-80-2471, 9569-80-4238, 9569-80-3335 and 9569-80-2395 from I-1 Industrial Zoning District to CMU, Central Mixed Use Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from staff analysis and because: The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use and Conservation Map and the Character Area Description for 'Downtown'. Furthermore, we find this petition to be reasonable and in the public interest based on the information from staff analysis and public hearing and because: 1. CMU zoning is more compatible than I-1 zoning due to the differences in dimensional standards and permitted uses. 2. CMU zoning would better protect the existing character of the built environment and support recent investments in the emerging economic future of the 7th Avenue/Locust Street district. 3. CMU would protect against incompatible industrial uses. 4. Other neighboring properties zoned I-1 were provided an opportunity to rezone their properties to CMU to avoid any appearance of spot zoning and to create a cohesive zoning district. However, due to new requirements under S.B 382, property owners must provide their consent for a rezoning of this nature. Though adjacent property owners were provided the information and opportunity to consent to the rezoning, only those included in the information have consented. Ms. Waters amended her motion to include the correct PIN numbers. Mr. Russell seconded the motion which passed unanimously.

Mr. Johnson moved the Planning Board to excuse Ms. Peacock as she needed to leave the meeting. Ms. Flores seconded the motion which passed unanimously.

The Board took a five minute recess to contact the City Attorney.

V(C) Conditional Zoning District – Compleat KiDZ (25-60-CZD). Mr. Hayes gave the following background:

Mr. Hayes stated this project is called Compleat KiDZ and this is a conditional zoning district. There are two properties in question. They are located at 913 and 917 9th Avenue. The applicant is Kathryn Thomas who works for Kare Partners, the parent company of Compleat KiDZ. The property is owned by New Leaf

Sales. LLC. The current zoning is PID CZD or Planned Institutional Development Conditional Zoning District. The applicant is requesting to rezone the property to MIC CZD or Medical, Institutional and Cultural Conditional Zoning District. The subject properties are a combined .95 acres.

Mr. Hayes stated the applicant is proposing to use the existing building on the site as a space to assist children with things such as physical therapy, occupational therapy, speech therapy and behavioral therapy. The current zoning is PID CZD which only allows for the use of a child care center. When this went through the process back in 2023, it was approved by City Council with a site-specific site plan and the only use allowed was a child care center. When staff met with the applicant and they told staff what they were planning to do, staff determined that it was not a child care center and so they had to both change the zoning district and be classified as a different use. Staff suggested changing the zoning to MIC CZD which allows for office space, business, professional and public. That is all one usage classification and that is what we would classify what they have proposed as.

Site photos were shown and discussed and are included in the staff report and presentation. Mr. Hayes stated they do not propose to expand the building.

An aerial photo of the site was shown highlighted in blue. This is included in the staff report and presentation.

A Neighborhood Compatibility Meeting was held on July 24, 2025. There were two residents who attended in person and one online. The topics discussed were concerns with traffic, impacting the adjacent school and residential areas. Questions pertaining to the number of employees who would be working at the facility, questions about the hours of operation of the clinic and how that would interact with school drop-off and questions pertaining to if there was a traffic study that would be required for this project.

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

The landscaping plan was shown and discussed and is included in the staff report and presentation.

The proposed conditions (agreed to by the developer) were shown and discussed and are included in the staff report and presentation.

Mr. Hayes stated this is a nonconforming structure. It does not conform to the setback requirements so what one of the conditions is doing is basically making it conforming. Therefore if the structure was damaged over 50% of the value they could theoretically build it back.

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

General rezoning standards for Comp Plan Consistency were discussed and are included in the staff report and presentation.

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

General rezoning standards were discussed and are included in the staff report and presentation.

A draft Comprehensive Consistency statement was shown and is included in the staff report and presentation.

A draft reasonableness statement for approval and denial were included in the staff report and presentation.

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

Chair asked if the applicant would like to address the Board.

Jennifer Lahn stated she was the RVP for Real Estate and Facilities for Kare Partners. She stated the last time they attended a meeting a couple of people had concerns in regard to traffic and parking so she just wanted to make sure and address that a little bit. Within their staffing they will have two full time staff people on the property there for their services. All of their other service providers are fee-for-service basis so they will be coming and going. There will be an ebb and flow throughout the day so the 30 parking spots will accommodate their use. She does not foresee that there will be any issues. They have also been in contact with the schools, spoke with the principal, found out what their carpool schedule is and they can adjust their drop-off times to help ease some of the concerns of the neighborhood. They are excited to come to Hendersonville and they hope to be a really great, viable community partner with the City of Hendersonville.

Chair asked what age group are the children. Ms. Lahn stated two to eight year olds. Chair stated so your services are geared for two to eight year olds. Ms. Lahn stated yes, and the families, it's a drop-off most of the time. They do some parent training also which is when parents would stay but for the most part, parents, it's a carpool, they drop off and then services are provided. The parents come back and pick them up.

Chair asked what type of therapy do they provide. Ms. Lahn stated it is pediatric therapy. It is children with autism. They are going to get some ABA therapy, speech therapy, physical therapy, occupational therapy. Chair stated the one he was concerned about is behavioral therapy. Ms. Lahn stated they don't do behavioral therapy in that sense. They don't have behavioral issues. These are children that are diagnosed with autism, some aspect of it. In fact they will be working with the schools and have referrals from them. It is actually a great partnership.

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

Chair asked staff if the five foot wooden fence satisfied the buffer requirement or is that being offered as an alternative to satisfying the buffer. Mr. Hayes stated an alternative to satisfy the buffer partially because of the viability of actually planting things into that strip. Chair stated so we don't have an alternative. If you can't plant these plants because of this narrow space, you can put up a fence, but are there any standards for the fence? Where did we come up with five feet and made of wood. Mr. Hayes stated that was proposed by the applicant and not staff driven. Staff thought this would be better added as a condition.

Discussion was made about the fence.

The existing trees that will be preserved have been circled on the site plan. The city did not have any recommended conditions.

Chair opened public comment.

Ken Fitch, 1046 Patton Street stated the NCM and the discussions after were extensive and detailed regarding this very unique program with its special use that would be located there. The discussions were also about how the building would function and spaces utilized. There was support for the specific program that was presented however, the primary issue raised by the neighbors is the impact on traffic because we all know how that area functions. One question not answered was how the building and its access and egress function in relation to the school. He was concerned about this property getting rezoned for offices or medical offices and this causing problems in the future.

Chair closed public comment.

Discussion was made on the traffic pattern. Discussion was also made on the project not moving forward and the uses that would be permitted. Mr. Holloway explained why staff thought the MIC zoning would be appropriate for this project.

Ms. Flores 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: 9569-40-2580 and 9569-40-3593) from PID-CZD (Planned Institutional Development – Conditional Zoning District) to MIC-CZD (Medical, Institutional, and Cultural – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, 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: Office, business, professional, and public. 2. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because: The petition is consistent with a range of Goals, Guiding Principles, and the Future Land Use Designation as defined in Chapter IV of the Gen H Comprehensive Plan. 3. 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 petition utilizes an existing building and existing infrastructure. 2. The petition is in close proximity to schools, medical facilities, and existing neighborhoods making it an ideal location for the services offered. 3. The petition will improve pedestrian connectivity in the area. Ms. Waters seconded the motion which passed unanimously.

- VI Other Business. Notice of Planning Board Regular Meetings Location Amendment.** Mr. Holloway explained the location for the months of October, November and December would be changed to the 305 Williams Street location as a larger room may be needed for future projects. ***Mr. Russell moved the Planning Board adopt the location change for the Planning Board meetings. Ms. Flores seconded the motion which passed unanimously.***

- VII Adjournment – The meeting was adjourned at 6:38 pm.**



Jim Robertson, Chair