



# CITY OF HENDERSONVILLE PLANNING BOARD REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792  
Thursday, September 12, 2024 – 4:00 PM

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## AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - A. Minutes of August 8, 2024
4. **OLD BUSINESS**
5. **NEW BUSINESS**
  - A. Rezoning: Standard Rezoning – 7<sup>th</sup> Ave (Chariff) | P24-58-RZO – *Matthew Manley, Long-Range Planning Manager*
  - B. Zoning Text Amendment: Alignment of Urban Village and Urban Residential with Gen H Comprehensive Plan (P24-66-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*
  - C. Subdivision Text Amendment: Changes to Double Frontage Lots in New Subdivisions (P24-048-STA) – *Sam Hayes, Planner II*
  - D. Rezoning: Standard Rezoning – 6<sup>th</sup> Avenue & Bearcat Loop (P24-65-RZO) – *Lew Holloway, Community Development Director*
6. **OTHER BUSINESS**
7. **ADJOURNMENT**

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**Minutes of the Planning Board  
Regular Meeting - Electronic  
August 8, 2024**

**Members Present:** Jim Robertson (Chair), Peter Hanley, Tamara Peacock (Vice-Chair), Donna Waters, Laura Flores, Bob Johnson

**Members Absent:** Barbara Cromar, Beth Robertson, Kyle Gilgis, Chauncey Whiting

**Staff Present:** Tyler Morrow, Current Planning Manager, Matthew Manley, Long Term Planning Manager, Sam Hayes, Planner, 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.** *Mr. Hanley moved to approve the agenda. The motion was seconded by Ms. Waters and passed unanimously.*
- III(A) Approval of Minutes for the meeting of July 11, 2024.** *Ms. Waters moved to approve the Planning Board minutes of the meeting of July 11, 2024. The motion was seconded by Mr. Hanley and passed unanimously.*
- IV Old Business**
- V New Business**
- V(A) Conditional Zoning District – Rezoning – First Ave Villas (P24-26-CZD).** Mr. Manley gave the following background:  
  
*Ms. Peacock asked that she be recused from this item as she is the architect for the project. A motion was made by Mr. Hanley to accept Ms. Peacock’s recusal. Ms. Flores seconded the motion which passed unanimously.*

Mr. Manley stated they are waiting to hear from Legal on whether Ms. Peacock could participate or not. Mr. Manley stated they are checking on whether Ms. Peacock can participate for her client.

Mr. Manley stated this came before the Board last month. He also stated we now have a new Comp Plan that has been adopted. There have been changes made to the building between last Planning Board and this Planning Board meeting.

Mr. Manley stated this is a CZD/rezoning that is amending a currently zoned CMU CZD, a site on First Avenue which is a .57 acre tract. They are modifying the site plan that was tied to that approval so they are going back through the rezoning process but the zoning would stay the same. The approved site plan would be modified if this is approved. The proposal is for a 16 unit multi-family development that comes out to 28 units per acre. The new Future Land Use designates it as Downtown Character Area.

A Neighborhood Compatibility Meeting was held on June 6<sup>th</sup>. This was also presented to Planning Board last month as well. Topics discussed were affordability for current residents, gentrification and

displacement of residents, property tax increases, parking, massing, density and height, and architecturally incompatibility

Site photos were shown and are included in the staff report and presentation. Mr. Manley showed photos of other developments in the area and the height of those for multi-family and mixed use.

The previous rezoning was explained and is included in the staff report and presentation. Mr. Manley stated this is the fifth time in four years that this site has come before the Planning Board. It was approved on two separate occasions. A total of 11 units have been approved and is tied to the CZD that is approved today.

A revised site plan was shown and is included in the staff report and presentation.

There were some outstanding comments which in staff's opinion are not deal breakers. They are all items that would have to be addressed should this move on to final site plan approval. They have been noted and put into the record. Mr. Manley discussed each of these which are included in the staff report and presentation.

Previous elevations and revised elevations were shown and are included in the staff report and presentation.

There are no developer proposed conditions.

The city proposed conditions were addressed and are included in the staff report and presentation. Those were in order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved. [Developer has not agreed]. Alternatively, remove balconies/patios facing external to site and relocate to courtyard (interior of site). [Developer has not agreed].

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

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

The general rezoning standard and comprehensive plan consistency was discussed and is included in the staff report and presentation. City proposed conditions were read into the record and included in the staff report and presentation.

A Comprehensive Plan Consistency Statement was shown and is included in the staff report.

A reasonableness statement was shown for denial and approval and is included in the staff report and presentation.

Chair asked if there were any questions for staff.

Mr. Johnson stated the structure is requiring the people who live there to park on public streets, is that a typical thing to do? Mr. Manley stated it does not require them, they are meeting the minimum parking requirement on-site. Mr. Johnson stated in reality, they will have second cars. Mr. Manley stated less than 50% of residents in the City of Hendersonville own two cars. Mr. Johnson stated he does see the privacy issue as a big deal has anybody considered putting baffles or translucent panels on the sides of the balconies. The issue is not only privacy looking out but privacy looking in. Has this been considered as a way to address that issue? Mr. Manley stated that would be a question for the developer.

Chair asked about the clarification concerning Ms. Peacock. Mr. Morrow stated he spoke to Daniel Heyman, Staff Attorney and reading through the City Code and as a rule of thumb it is best if there is

someone else here to present and that Ms. Peacock not present. If there is a question that only Ms. Peacock could answer it would not preclude her from speaking but just as a general rule if there is someone else here to speak, it is best just to have them speak for the project. Chair stated he still has a problem. If a Board member recuses themselves because they are involved and is a conflict, they have always left the room, not presented. Mr. Morrow stated he asked that question as well and these meetings are open to the public and there is nothing saying that she has to leave. She can stay and listen to it as a member of the public.

There were no further questions for staff.

Brian Gulden, attorney for the applicant stated he represents the developer. He stated the developer through the architect did modify the plan based on some of the conditions that Mr. Manley just spoke about. Some of the ones that state the developer has not agreed to, they have tried to adhere to those conditions and satisfy those conditions that the staff has recommended. The second thing he wanted to point out is it is a great new world. The city adopted the Gen H Comprehensive Plan which is different than the 2030 Comprehensive Plan and he would say it is significantly different. It puts this piece of property in that Downtown designated area. There are four categories under the new Gen H Plan. Some of them are living, activity, transitional and this downtown area in that activity category. Activity means we want to improve the mobility of residents in this area. We want them to walk to certain places, we want them to be able to bike to certain places and that would be to grocery stores, downtown activity centers and to the Ecusta Trail, the library and all the other commercial activities. That is different than what was here the last time we appeared before you. Also in the Downtown District they have Downtown Edge Area and that Downtown Edge Area is a little different than the core of the Downtown District. He pointed out one of the interesting aspects of the edge area being that in the Comprehensive Plan it has a minimum height requirement and so the Comprehensive Plan in this Downtown Edge Area of the Downtown District in the activity centers they don't want you to build single story houses. They want at least a minimum of two-stories. They want a minimum height of 22 feet and they propose a maximum height of 40 feet. This new plan accomplishes that by reducing that back bump-up area and it removes those two units that you were seeing the last time. What you were seeing the last time is 18 units and now there are 16 and they have the 19 spaces for parking which are required. There is a tree they would love to save so they can enhance the buffer on the south portion. The Board has some questions the last time about economics and feasibility and this area that this project is in, within that downtown edge talks for compact development. Compact development is an aspect of this downtown edge area within downtown activity centers and states "developers in this compact development can maximize the use of available land particularly where infrastructure capacity already exists and rising real estate values warrant higher levels of investment for reasonable returns". And that goes to the point that you have got this undeveloped, underutilized piece of property as Mr. Manley indicated saying that it was vacant, underutilized, highly suitable for development in an intensity node. Because these compact developments were anticipated and were adopted by City Council on August 1<sup>st</sup> he believes, last Thursday, it contemplates that the real estate values warrant higher levels of investment for reasonable returns. That is what they have here. They have this infill development were all the infrastructure is already existing and the City of Hendersonville wants these dense, high intensity compact developments. This area is right for that. The fact that the footprint may not have changed, the height changed but the whole governing structure of the City of Hendersonville has changed dramatically in the last week with the adoption of this Gen H Comprehensive Plan. This project is found to be consistent with 90% of the Gen H Plan. He believes any of the inconsistencies found could be addressed with conditions. He wanted the Board to keep in mind last month was the 2030 Comp Plan. This month a blank slate, we are looking at the Gen H Comp Plan. They are no longer looking at the 2030 Plan but looking at the Gen H Plan and from all appearances this plan is consistent with that Gen H Plan. We would ask them to approve it with appropriate conditions.



Chair asked staff when they came up with the conditions that were presented to them today, they were comparing the project to the new Comp Plan, the Gen H 2045 Comp Plan. Mr. Manley stated that is correct.

Sarah McCormick, architect for the project stated she works for Peacock Architects. She stated since the last meeting they have addressed all the comments except for one. They have removed the fourth level of the building bringing the overall height to 38 feet at the absolute tallest point. According to the new code the building is allowed to be 40 feet at the midpoint of the gable but they are only 34 feet. This addressed the issue of maintaining the appropriate scale for the neighborhood. They also updated the façade material from stucco to siding to match the materiality of the neighboring houses. They added operable porch like balconies that contribute to the small town neighborhood feel. They enclosed the stairwell so that it is not visible from the street and added a catwalk between the two stairwells as a secondary means of egress. They moved the loading zone so it is easier to access and connected the sidewalk to the street and the balconies on the front of the building. They also moved the dumpster enclosure so that it is not visible from the street and reduced the back concrete area so that the trees on the existing property line can be preserved. The one condition they did not meet is they did not rotate the buildings to be parallel with the street because it will not fit on the site and it will require demolition of some of those trees on the east property line. They do have a cross parking agreement with the church across the street so they do not have to necessarily park on the street if they have a second car. They did add thicker balusters on the balcony which adds a little more privacy than what they had before. She hopes they take these changes into consideration.

Chair asked if there were any questions for the applicant.

Mr. Johnson asked if they were doing sidewalks now. Ms. McCormick stated yes, they have agreed to do sidewalks.

Chair stated to get into the lower units you still have to go into the courtyard area. Ms. McCormick showed on the site plan how they can get into the units.

Mr. Johnson asked if they were addressing the privacy issues and revisions. Ms. McCormick stated they tried to address the issues by changing the railing and also by preserving more of the trees than what was shown previously.

Ms. Flores asked about the vegetation on the east side. Ms. McCormick stated they are preserving it all.

Mr. Gulden stated they put the windows on those areas that Mr. Manley had talked about. These new updated site plans were a result of the comments they got back after Mr. Manley reevaluated this under the Gen H Plan. They tried to address all the concerns in the new updated site plans.

Chair stated in order to reduce the unreasonable loss of privacy he asked if they were agreeing to not touch any of the vegetation on the east side. Ms. McCormick stated yes. Chair stated and protect it during the construction. Ms. McCormick stated yes and up on the screen she had a study of the house they had done next door and it is 60 feet away from their property line and the trees are taller than their building. Chair stated and remove the balconies and patios that are facing the external site and relocate them to the courtyard to the interior of the site. Are you verbally going to agree to that for now as well?

Rafique Charania, developer with ARY Development stated virtually it is not possible because they had to restructure the whole thing. To preserve the privacy they can add a one sided glass on the balconies where you cannot see through to the other side. The trees are over 60 feet tall anyway so there is no privacy issue if they do not take those out. On the west side the house is further away as compared to the east side. It is not much of an issue on the west side verses the east side. Chair stated this particular

condition is listed because of an ordinance and not because of the Comp Plan. Mr. Charania stated he is willing to take a recommendation and if they have to plant more trees or any kind of privacy thing they are willing to do that. Chair stated this ordinance is subjective so he believes that this Board needs to determine whether this is an unreasonable loss of privacy or not. Mr. Charania stated they are willing to comply with anything that requires to have that privacy. Chair stated but if there is an unreasonable loss of privacy as determined by whom, then they have to follow the ordinance.

Mr. Manley stated this was a condition that staff came up with, they cannot force the developer to do it they have to agree to it. Chair stated but they have to follow the ordinance. Mr. Manley stated they have to follow the ordinance but that could be achieved by other ideas.

The Board discussed the unreasonable loss of privacy. Mr. Charania stated they are willing to do whatever to fix the privacy issue. Ms. McCormick stated the house on the east side they are actually facing the rear of the house and the house on the west side they are actually facing the side and they are not directly looking into each other.

Lew Holloway, Community Development Director stated given the number of conditions and that they have not taken any public comment, does he want to walk through everything and then return to the points of discussion. Chair stated normally when it gets to this point things have been worked out with staff and he does not know why this is being shoved down their throats. Mr. Holloway stated he would not say it is being shoved down their throat. Staff has a responsibility to review the documents and then you all as a Planning Board have the opportunity to review those conditions and determine whether or not you think they are acceptable. Conditions as a rule have to be agreed upon by the developer and City Council. At the end of the day, their job is to review what staff presents and then make a recommendation to City Council based on that review.

Discussion was made on the connection and the balconies. Ms. McCormick pointed out on the site plan that they have met that requirement/condition. Chair stated it does not look inviting to him. Like someone could walk up to it. Mr. Hanley stated it looks alright to him. Mr. Charania stated they are fulfilling the requirement. Chair stated they are agreeing to provide fully functioning upper floor balconies and first floor patios on the front façade with front entrances connected to the right-of-way. Mr. Charania stated yes, that is correct.

Chair stated provide sidewalk connection to the street edge from first floor units and from sidewalks which flank center drive aisle. Mr. Charania stated that is correct.

Chair stated align building façade parallel and they are not agreeing to that. Mr. Charania stated they cannot. He stated the reason they are not agreeing to it is if they have to do that they will have to remove the trees.

Chair stated provide fenestration on front facing façade of rear elevator/stairwell. Mr. Charania stated they did that.

Chair stated enclose the rear and front stairwells in order to better blend with surrounding neighborhood. Mr. Charania stated they did that.

Chair stated the only ones they have not done are aligning with the street and the balconies that look out over the tops of the other houses. Mr. Charania stated again, aligning with the street means they will have to remove the trees in order to do that. Doing both is not possible. He stated concerning the balconies the house is in a different direction and no one can see the house anyway. The east side is covered with the trees and the west side is further over. Chair asked about the unresolved comments. Ms. McCormick

stated the area of land disturbance is not the entire site. It comes out to 19,127 sq. ft. She pointed this out on the site plan.

Chair stated provide calculations for landscaping requirements. In table form, provide the area or length of required buffers, vehicular use area, urban space, etc, and provide the planting calculations required based on the zoning standards, provide the total plantings for each planting requirement. This is unresolved and the Planning Board normally does not have to deal with this. This is normally resolved between city staff and the developer prior to Planning Board. Mr. Manley stated this has been requested from the initial review and they just have not received it. They will have to be compliant with the landscaping requirements should it move to final site plan. If they are thinking bigger picture, is this appropriate, is it consistent, is it compatible in areas where it is not and are the conditions addressing those incompatibilities or inconsistencies, have we covered all the bases here. Will staff make sure the landscaping is done correctly? Yes, you can focus your attention on any areas that you think have been left uncovered and in this case the landscaping yes, we would like to see a table that shows so that we fully understand the areas that need landscaping but if they don't it does not matter because staff will make sure that they have it on there or they will not get a final site plan approval without it. He stated anything unresolved has been moved over into a condition.

Chair stated last month this project was higher density than what was recommend in the Comp Plan but now it meets the new Comp Plan. Mr. Manley stated yes and explained the newer Comp Plan requirements.

There were no further questions for the applicant.

Chair opened public comment. He stated public comment would be limited to three minutes.

Ken Fitch, 1046 Patton Street stated the previous assessment of being incompatible remains appropriate. The new drawings are not from the street level perspective. These buildings will be distinctly different from the adjacent neighborhood and its historic character. He stated the parcel is too small for this project. It is impossible to squeeze this market rate condo project onto this parcel without generating irreversible and severe negative impact on the adjacent historic properties and on the neighborhood with its distinctive character and on the lives of the people who live here. He was concerned about parking and safety issues. He was concerned about traffic issues and the removal of trees. He talked about the historic trees on the east side. The character of the neighborhood is not urban and is more the historic small town character of Hendersonville. He stated the denial motions are clear and concise and very much to the point.

Lynne Williams, Chadwick Avenue stated this plan isn't much different than before. She found the Vice-Chair's presence here today was completely inappropriate. The buffers will be disturbed and removing the two units doesn't change how close the setbacks are or the general height. When the buyer bought this land from the local developer they both knew as part of the sale that the lot was site specific. First Avenue already has parking spots that were just put in. She wanted to note that. The ordinance about privacy 18.6.1 unreasonable loss of privacy she does not see that changing and in fact it is even more so now with the faux balconies becoming actual balconies. She stated the dumpsters are now being moved to the rear neighbors. She doesn't see the requirements of 18.6.4.4 being met. She asked them to keep their word and they have already been to six meetings. The neighbors have already said that this infringes. It is outside of the character and will create gentrification. You have already decided and denied this. She did not like this going through the process and then seeing the attorney talk with staff after the last meeting and discuss the Comp Plan about to change. She felt they could change the design to fit anything that is needed. She stated there is no affordable housing here and this will set a precedence.

Katy Gash 705 Ciccone Drive stated their church is a couple of doors down from this area. She stated she had a lot of concerns and still has concerns and wonders how this will impact them as neighbors. These

developers came before them, they presented a plan and they looked at the plan, you guys rejected the plan and gave them some reasons why and some things they had to work on. She wanted to be fair to say they took those recommendations and suggestions and they went and addressed them. Therefore she thinks it is fair to have this meeting today so they can show you how they have tried to take the recommendations into consideration and they want to be good neighbors and she appreciates that. She is not really sure that she is 100% in favor of this project but she does know that here in Hendersonville, we need housing. She wanted to be fair to everyone and say the developers have addressed the issues and if there are others they need to address, this is a process that we go through. She is excited that they will have some new housing options here in Hendersonville. We have to be open and forward thinking. A lot of work went into the Gen H Plan for 2045 and she thinks if this falls in line with that then she doesn't think you can really fault the developers for trying to create a housing option that fits exactly with what the city is looking for. She is glad to see the trees will be maintained. She feels they have tried their best to preserve the privacy. Her main concern from the start is what effect this will have on gentrification. Gentrification to her is improving the area however she just wants to make sure we are mitigating the negative impacts that could happen. She wants to know that her children and the people who live there are able to afford these places.

Alfred King, 105 Fleming stated he has lived here 40 or 50 years. The biggest issue will be parking as far as he is concerned. He knows they say they have an agreement with the church but what happens if the church decides it wants to expand and get rid of the parking in years to come. Then they will have to start parking on the streets. Eventually Hendersonville will have to start one waying the parking because there is too much traffic. You can't make it up First Avenue during the Apple Festival. As far as affordability these units are not going to be for locals. They will be just like the units they are putting near the high school. That is the biggest issue. It is not going to be affordable and there is an issue with parking. Does it match the neighborhood?

No one on zoom spoke.

Chair closed public comment.

Chair stated they needed to determine this loss of privacy thing first. Because the ordinance would make the developer have a condition that they could not, not agree to. This is for the west side and the east side is keeping the buffer. He suggested a condition moving the balconies to the interior. The balconies are on the third story and they are eight feet from the property line. Mr. Manley stated the balconies are between the property line and the structure. They are eight feet from the property line on either side. There is 60 feet from the house to the east.

Melissa Petit, Real Estate Agent for the applicant stated she is familiar with all the properties surrounding this lot. Chair stated they have all been to the property and know where the houses are. Chair stated they had an opportunity to make their presentation and now the Board is having a discussion amongst themselves.

Chair stated they need to determine if there is an unreasonable loss of privacy. It is eight feet from the property line but not the building. Ms. Flores stated but they are adding additional landscaping.

Discussion was made on the house on the west side and the balconies. Mr. Johnson stated baffles and translucent panels could be a solution. Chair stated the project that is currently approved, he sat on front porches with neighbors looking at elevations and there was a lot of objection to that project. It was painstaking to get what we have approved, approved.

Chair asked what kind of landscaping is proposed for that west side. Mr. Manley stated right now they are showing three canopy trees for every 800 feet and there is 160 feet here, so he rounded that up to five

trees. They are two trees short as currently shown. You could work into a condition some type of screening from the balconies that reduces visibility between neighboring property owners and they can work out the details on that.

Mr. Hanley asked what the developer would do if he was standing on the balcony looking down. Mr. Charania stated if he was standing there looking down that house is 75 feet away from the property. The first thing he is looking at is the driveway and the side of the house. A photo was shown of the house. Mr. Charania described what they would see. He stated there would always be a privacy issue because it is a condensed neighborhood.

Discussion was made on the street view and what you see looking at from the proposed structures over to the house.

Chair stated he still feels they need to determine this loss of privacy thing because any condition will depend on whether they feel there is a loss of privacy. Mr. Hanley stated it is a subjective loss of privacy at best. Chair asked if that was their job. Mr. Manley stated he believes they would be conveying that is if they placed conditions. From what he is hearing it sounds like they don't think that is an issue on the east side but it sounds like there are concerns on the west side and those concerns reflect some level of consensus on their being some level of loss of privacy.

Chair asked Ms. McCormick how difficult it would be to flip the floor plan on one of the buildings and put those balconies on the interior on the west side. Mr. Charania stated there is an elevator and stair structure so that is physically not possible and the second thing is when you buy a property in a downtown location you want to see the outside view. You want to see the sun rise and the sun set, not facing your neighbors looking at each other. It is a design aspect. How would you feel if you buy a condo downtown and you have to see every day on the balcony what your neighbor is doing on their balcony? That is the reason they have those on the outside. Mr. Charania stated it is not design possible. Ms. McCormick stated they would also have to provide a sidewalk on the outside to do this and they do not have enough room to do that and access the units.

More discussion was made on conditions and the solution to the privacy issue.

Mr. Gulden stated Mr. Manley talked about the clustering of the trees in front of those balcony areas would be appropriate and we have been talking about the privacy issues and he is going to read to the Board. (18.6.4.4). Chair stated they have it.

Board members felt like the developer was offering to fix the issues and they could put conditions on the application that would fix it. Mr. Hanley stated there are a lot of solutions to the issues. He stated they will not get final site plan approval if they do not meet the criteria. Chair stated but sometimes this gets to City Council and then nothing looks like what the Planning Board talked about.

More discussion was made on privacy and other neighborhoods.

Ms. Waters concern was they do not have a quorum. Chair stated they do have a quorum. If someone recuses themselves they still have a quorum. Mr. Holloway stated there is no issue with the quorum.

**Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated June 28, 2024] 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 Residential, Multi-Family 16 - 2 Bedroom Units*

**2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: Proposed City-Initiated Conditions [Zoning Compliance]: In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved. Proposed City-Initiated Conditions [General Rezoning Criteria]: Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way. Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle. Provide fenestration on front facing façade of rear elevator/stairwell. Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units.**

**3(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 of Chapter IV of the Gen H Comprehensive Plan.**

**4 (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 incorporates a mix of housing types into an existing urban neighborhood**
- 2. The petition provides an efficient use of property in the core of the city**
- 3. The petition would place residents within an area of existing city services and infrastructure**
- 4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.**
- 5. The petition provides walkable neighborhood design characteristics**
- 6. The petition proposes to have a vibrant interface with the public realm**
- 7. The petition limits the unreasonable loss of privacy on adjacent properties.**

Chair stated for the purposes of the minutes of the meeting he made sure they had included all of the conditions. He stated they still need to provide a condition concerning the loss of privacy on the west side. Discussion was made on adding something for privacy. Planting three-inch caliper trees were discussed. Chair didn't think trees were the way to do it. **Mr. Hanley added another condition that the west side balconies in the opinion of the Planning Board are subjecting the neighbor to an unreasonable loss of privacy and the ordinance needs to be adhered to.** Chair discussed the pavers in the center and not the parking lot and because of the proximity to Wash Creek he feels like those pavers need to be incorporated throughout all the parking spaces. He discussed oil leaks and water runoff into the creek. If there are pavers this will filter through the soil. **Mr. Hanley added another condition that there are permeable pavers throughout the project for all parking.** Discussion was made on the handicap parking spaces. **Mr. Johnson seconded the motion which passed unanimously.**

VI Other Business

VII Adjournment – The meeting was adjourned at 5:47 pm.

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Jim Robertson, Chair



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Matthew Manley      **MEETING DATE:** September 12, 2024

**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Standard Rezoning – 7<sup>th</sup> Ave (Chariff) | P24-58-RZO – *Matthew Manley, Long-Range Planning Manager*

**SUGGESTED MOTION(S):**

**For Recommending Approval:**

I move 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: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891) from C-2 Secondary Business, to CMU, Central Mixed Use, 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 because:**

The proposed zoning of Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’.

**2. 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. CMU zoning would be extended to align with adjacent zoning.
2. The permitted uses and development standards of the CMU zoning aligns with the existing character of the subject properties.
3. CMU standards will allow for new infill development designed to complement the surrounding 7th Ave area in a way that C-2 zoning will not.

**[DISCUSS & VOTE]**

**For Recommending Denial:**

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891) from C-2 Secondary Business, to CMU, Central Mixed Use, 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 because:**

The proposed zoning of Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’.

**2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**

1. CMU zoning is out of character with the surrounding area

**[DISCUSS & VOTE]**

**SUMMARY:** The City of Hendersonville is in receipt of a Zoning Map Amendment application from Lyle Chariff of 407 NC Holdings, LLC (owner) for 9 parcels (PINs listed on left) totaling .77 Acres located along 7th Ave at Locust St, Maple St and Track St in/adjacent to the 7th Ave Depot National Register Historic District. The properties are currently zoned C-2 Secondary Business. The petitioner is requesting that the full city block be rezoned to CMU to align with other properties in the 7th Ave Depot Historic District.

Development/redevelopment under the C-2 zoning is restricted by a 15’/20’ front setback and a minimum lot width at the building line of 50’. The CMU zoning offers greater flexibility with a 12’ front setback measured from the back of the curb rather than from the property line and no minimum lot width. CMU zoning also offers standards related to site development and design considerations which the C-2 zoning district does not contain.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the CMU district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

<b>PROJECT/PETITIONER NUMBER:</b>	P24-58-RZO
<b>PETITIONER NAME:</b>	o Lyle Chariff, 407 NC Holdings, LLC [Applicant/Owner]
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Staff Report</li> <li>2. District Comparison</li> <li>3. Comprehensive Plan Consistency &amp; Criteria Evaluation Worksheet</li> <li>4. Draft Ordinance</li> <li>5. Proposed Zoning Map</li> </ol>



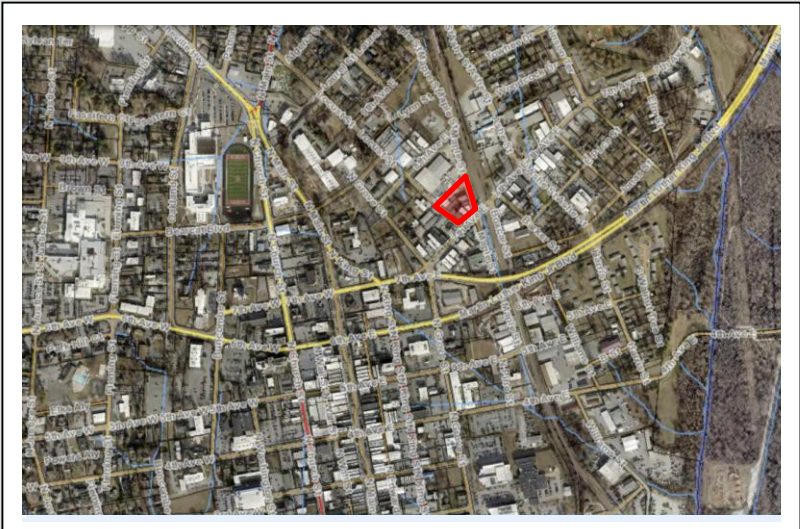
STANDARD REZONING: 7<sup>th</sup> AVE C-2 to CMU - LYLE CHARIFF (P24-58-RZO)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY ..... 2  
SITE IMAGES..... 3  
SITE IMAGES..... 4  
SITE IMAGES..... 5  
EXISTING ZONING & LAND USE ..... 6  
FUTURE LAND USE ..... 7  
REZONING STANDARDS (ARTICLE 11-4) ..... 8  
REZONING STANDARDS ANALYSIS & CONDITIONS ..... 11  
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 12



PROJECT SUMMARY

- Project Name & Case #:
  - 7<sup>th</sup> Ave C-2 to CMU (Lyle Chariff)
  - P24-58-RZO
  
- Applicant & Property Owner:
  - Lyle Chariff, 407 NC Holdings, LLC [Applicant / Owner]
  
- Property Address:
  - 407, 409, 411, 417 7<sup>th</sup> Ave
  - 709, 711, 713, 719 Maple St
  - 730 Locust St
  
- Project Acreage:
  - .77 Acres
  
- Parcel Identification (PINS):
  - 9568-89-7788
  - 9568-89-7766
  - 9568-89-8708
  - 9568-89-7871
  - 9568-89-7873
  - 9568-89-7865
  - 9568-89-7940
  - 9568-89-6855
  - 9568-89-6891
  
- Current Parcel Zoning:
  - C-2 Secondary Business
  
- Proposed Zoning District:
  - CMU - Central Mixed Use
  
- Future Land Use Designation:
  - Downtown



SITE VICINITY MAP

*The City of Hendersonville is in receipt of a Zoning Map Amendment application from Lyle Chariff of 407 NC Holdings, LLC (owner) for 9 parcels (PINs listed on left) totaling .77 Acres located along 7<sup>th</sup> Ave at Locust St, Maple St and Track St in/adjacent to the 7<sup>th</sup> Ave Depot National Register Historic District. The properties are currently zoned C-2 Secondary Business. The petitioner is requesting that the full city block be rezoned to CMU to align with other properties in the 7<sup>th</sup> Ave Depot Historic District.*

*Development/redevelopment under the C-2 zoning is restricted by a 15'/20' front setback and a minimum lot width at the building line of 50'. The CMU zoning offers greater flexibility with a 12' front setback measured from the back of the curb rather than from the property line and no minimum lot width. CMU zoning also offers standards related to site development and design considerations which the C-2 zoning district does not contain.*

*If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the CMU district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.*

SITE IMAGES



*View from north looking south at corner of Maple St and Track St*



*View facing south along Maple St towards 7<sup>th</sup> Ave*



SITE IMAGES



View along 7<sup>th</sup> Ave facing southwest



View of corner of 7<sup>th</sup> Ave and Locust St - empty lot where existing building was recently demolished.

SITE IMAGES



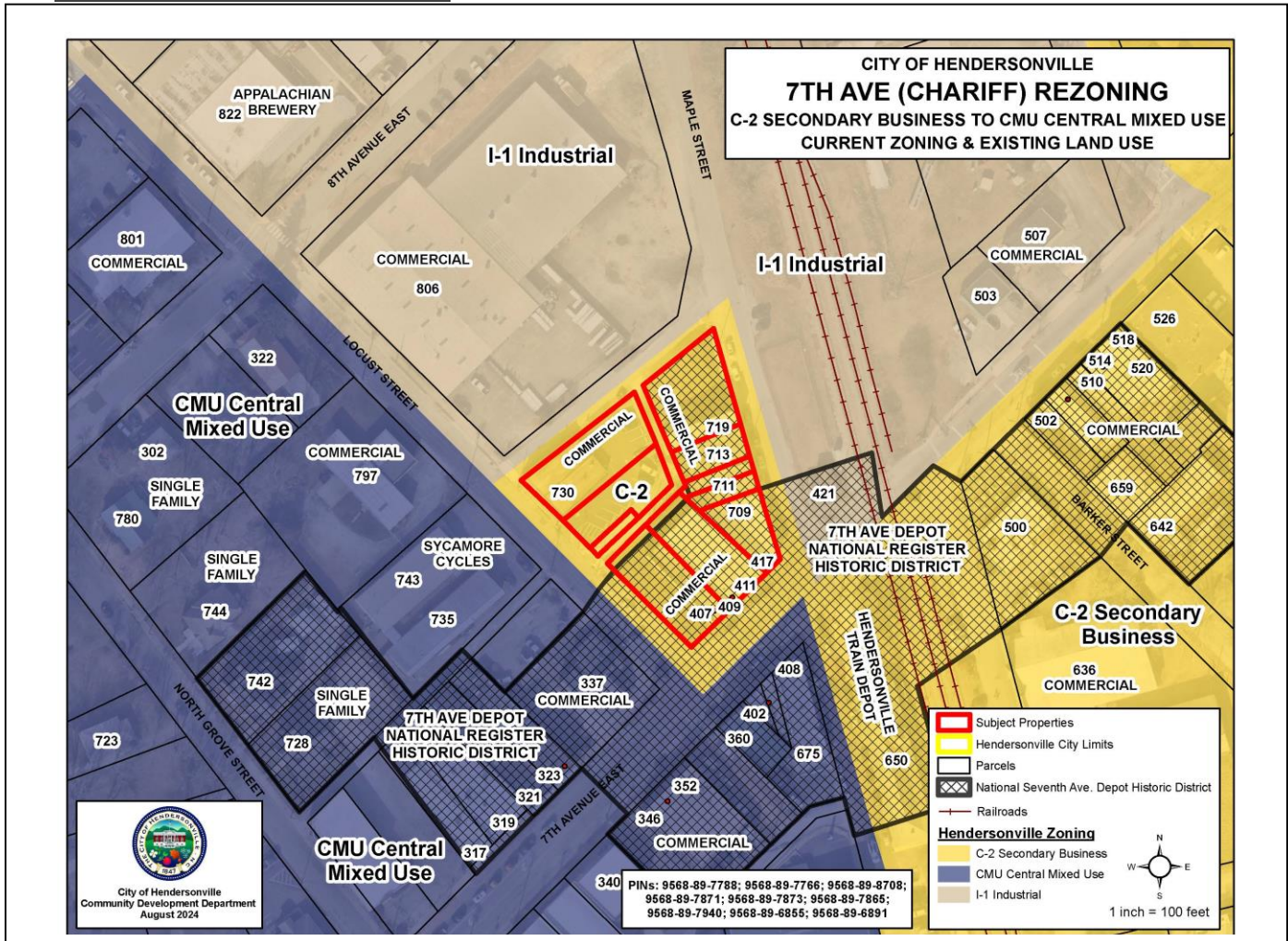
*View facing southeast from alley - rear of empty lot at corner of 7<sup>th</sup> Ave and Locust St*



*View facing east near corner of Track St and Locust St. Vacant lot and 7<sup>th</sup> Ave in the background*



EXISTING ZONING & LAND USE



Existing Zoning & Current Land Use Map

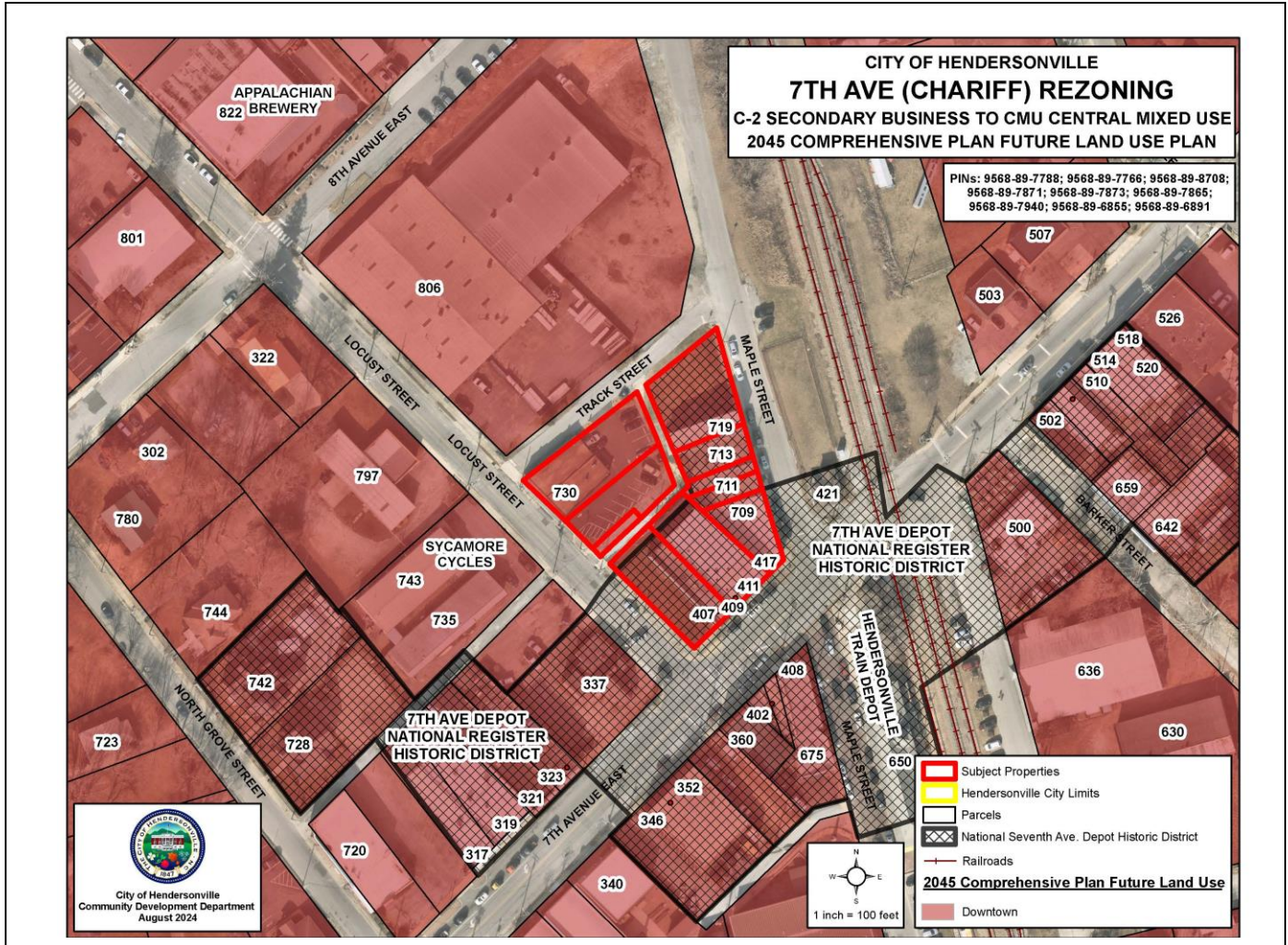
The subject property is currently in the municipal limits and zoned C-2 Secondary Business. The property is made up of 9 lots with 6 builds, 2 vacant lots, a parking lot and a right-of-way. This block of properties are the only properties zoned C-2 on 7<sup>th</sup> Ave west of the railroad tracks. The remainder of the area along 7<sup>th</sup> Ave west of the railroad tracks is zoned CMU (Central Mixed Use). North of the subject property, along Locust St, Maple St and the railroad tracks, property is zoned I-1 (Industrial). East of the railroad tracks, the properties along 7<sup>th</sup> Ave are zoned C-2.

The subject properties and other properties in close proximity are located in the 7<sup>th</sup> Ave Depot National Register Historic District.

The land uses in this area are typical of a downtown with retail and restaurants being the primary uses. The built environment is typical of a downtown urban environment with a mix of 1-story & 2-story buildings brought directly up to the back of the sidewalk and where highly transparent storefronts and primary business entrances are the norm.



FUTURE LAND USE



Future Land Use & Conservation Map

The City’s Gen H 2045 Comprehensive Plan designates the subject property as “Downtown” in the Future Land Use & Conservation Map. The surrounding properties, including frontage along 7<sup>th</sup> Ave and nearby blocks along Locust St, are also designated as “Downtown”. The Character Area description for this area is as follows:

*This is the heart of the community and center of civic activities. In addition to governmental uses, it includes a mix of retail, restaurant, service, office, and civic uses. A variety of residential housing types complement the nonresidential uses and ensure a vibrant center with a 24/7 population. The mix of uses can be horizontal or vertical, with changes between floors of the same building. Buildings of two or more stories are common, and streets feature short block lengths and pedestrian facilities. Open spaces include plazas and formal greens.*

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b></p> <p>The subject property is located on a vacant or underutilized property in the Land Supply Map. It ranks as “Highly Suitable” for residential development in the Suitability Assessment.</p> <p>The subject property is located in an area designated as “Highest” for Development Intensity.</p> <p>The subject property is located in the 7th Ave Focus Area. The subject property is not in a Focused Intensity Node but is located in the Downtown Area - which is an area designated for intense development.</p>
	<p><b>FUTURE LAND USE &amp; CONSERVATION MAP</b></p> <p><b>Character Area Designation:</b> Downtown  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> Consistent  <b>Focus Area Map:</b> Consistent</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p>In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to “compatibility”. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project is located within the boundaries of the Downtown Master Plan, staff evaluated the project according to the Design Guidelines found in Chapter V of the Gen H Plan.</p> <p><b>EXISTING CONDITIONS</b></p> <p>The subject property is a full city micro-block containing 6 buildings which share common walls in a truly traditional urban form. There is one additional standalone building, two vacant lots, a parking area and a narrow alley that runs at the rear of the buildings facing 7<sup>th</sup> Ave and Maple St. The properties are part of the 7<sup>th</sup> Ave Depot National Register Historic District.</p> <p>The land uses in the area are a variety of retail and restaurants with opportunities for residential development on upper-floors. These uses align with the mixed-use character of the CMU zoning district. The zoning districts in this area vary. To the west and south, in the core of the 7<sup>th</sup> Ave NR Historic District, the zoning is Central Mixed Use (CMU). Catty-corner to the east the zoning transitions to Secondary Business (C-2) which was the zoning district surrounding C-1 prior to the creation of CMU. The C-2 zoning continues along 7<sup>th</sup> Ave toward Mud Creek and the Oklawaha</p>



	<p>Greenway. North of the subject property and along the railroad tracks to the east, the zoning is Industrial, I-1.</p> <p><b>GEN H COMPREHENSIVE PLAN GOALS</b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Consistent  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent  <b>Satisfying Work Opportunities:</b> Consistent  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p> <p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)  <b>Mix of Uses:</b> Consistent  <b>Compact Development:</b> Consistent  <b>Sense of Place:</b> Consistent  <b>Conserved &amp; Integrated Open Spaces:</b> Consistent  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p> <p><b>DESIGN GUIDELINES ASSESSMENT</b> (Chapter V)  <b>Public Realm -</b> Consistent  <b>Site Design -</b> Consistent  <b>Building Design -</b> Consistent</p>
<p>3) Changed Conditions</p>	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p> <p>The City is currently constructing an enhanced Streetscape and Utility project serving the subject properties. One of the subject properties recently had a building demolished due to it being structurally unsound. This building was located near the corner of Locust St and 7<sup>th</sup> Ave where another vacant lot was located. Combined, these two now vacant lots present an opportunity for infill development. The current C-2 zoning would not permit by-right development that would conform to the existing character of the 7<sup>th</sup> Ave Depot NR Historic District.</p>
<p>4) Public Interest</p>	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</p> <p>Providing opportunities for compatible infill development presents opportunities for economic development which compliments the City's investment in improved streetscapes along 7<sup>th</sup> Ave.</p>

<b>5) Public Facilities</b>	<b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b>
	The subject property will be served by City of Hendersonville services. The subject property is located within the City’s existing interconnected street grid, which facilitates the disbursement of additional automobile traffic. The subject property is located in the heart of the burgeoning 7 <sup>th</sup> Ave District and is in close proximity to the Oklawaha Greenway, and less than a 5-minute walk to historic Main St.
<b>6) Effect on Natural Environment</b>	<b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b>
	There is no immediate development proposed on the subject properties. There are no existing trees nor environmentally-sensitive areas within the area proposed for rezoning.

REZONING STANDARDS ANALYSIS & CONDITIONS**Staff Analysis**

- 1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
- 2) Compatibility - The CMU Zoning District permitted mix of uses and development standards support the goals and guiding principles and design guidelines outlined in the City's Gen H Comprehensive Plan. Staff finds that the general location of the rezoning and the mix of land uses in vicinity to it are compatible with the city's overall growth strategies.
- 3) Changed Conditions - Staff finds that the changed conditions related to opportunities for infill development in this historic district require that the C-2 zoning district be replaced.
- 4) Public Interest - Staff finds that the opportunities for additional economic development will compliment the new 7<sup>th</sup> Ave Streetscape project.
- 5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure. Staff would highlight that the existing interconnected street grid, pedestrian facilities and nearby off-street trails combine to create opportunities to disperse automobile traffic and reduce vehicular trips.
- 6) Effect on Natural Environment - N/A

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, and because:

*The proposed zoning of Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.*

We **[find/do not 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:

*DRAFT [Rationale for Approval]*

- *CMU zoning would be extended to align with adjacent zoning*
- *The permitted uses and development standards of the CMU zoning aligns with the existing character of the subject properties*
- *CMU standards will allow for new infill development designed to compliment the surrounding 7<sup>th</sup> Ave area in a way that C-2 zoning will not*

*DRAFT [Rational for Denial]*

- *CMU zoning is out of character with the surrounding area*

<b>PERMITTED &amp; SPECIAL USES</b>	
<b><u>C-2 Secondary Business (Current)</u></b> Same in both districts Different from proposed district	<b><u>CMU Central Mixed Use (Proposed)</u></b> Same in both districts Different from current district
<p><b>Permitted Uses:</b></p> <ul style="list-style-type: none"> <li>• Accessory dwelling units subject to supplementary standards contained in section 16-4, below</li> <li>• Accessory uses and structures</li> <li>• Adult care centers registered with the NC Department of Health and Human Services (DHSS)</li> <li>• Animal hospitals and clinics so long as the use contains no outdoor kennels</li> <li>• Automobile car washes</li> <li>• Automobile sales &amp; service establishments</li> <li>• Banks and other financial institutions</li> <li>• Bed and breakfast facilities</li> <li>• Business services</li> <li>• Congregate care facilities, subject to supplementary standards contained in section 16-4, below</li> <li>• Construction trades facilities so long as the storage of equipment and materials is screened from view from public rights-of-way</li> <li>• Convenience stores with or without gasoline sales</li> <li>• Cultural arts buildings</li> <li>• Dance and fitness facilities</li> <li>• Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area</li> <li>• Farm equipment sales and service</li> <li>• Food pantries, subject to the supplementary standards contained in section 16-4, below</li> <li>• Funeral homes</li> <li>• Golf driving ranges and par three golf courses</li> <li>• Greenhouses and nurseries, commercial</li> <li>• Home occupations</li> <li>• Hotels and motels</li> <li>• Laundries, coin-operated</li> </ul>	<p><b>Permitted Uses:</b></p> <ul style="list-style-type: none"> <li>• Accessory dwelling units</li> <li>• Accessory uses &amp; structures</li> <li>• Adult care centers registered with the NC Department of Health and Human Services (DHSS)</li> <li>• Adult care homes</li> <li>• Animal hospitals so long as they are totally enclosed</li> <li>• Automobile car washes</li> <li>• Banks &amp; other financial institutions</li> <li>• Bed &amp; breakfast facilities</li> <li>• Bus stations</li> <li>• Business services</li> <li>• Child care homes</li> <li>• Congregate care facilities, subject to supplementary standards contained in section 16-4, below</li> <li>• Construction trades facilities</li> <li>• Convenience stores with or without gasoline sales</li> <li>• Cultural art buildings</li> <li>• Dance &amp; fitness facilities</li> <li>• Dry cleaning &amp; laundry establishments containing less than 2,000 square feet of floor space</li> <li>• Funeral homes</li> <li>• Garage apartments</li> <li>• Home occupations</li> <li>• Hotels &amp; motels</li> <li>• Laundries, coin-operated</li> <li>• Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below</li> <li>• Mobile food vendors, subject to supplementary standards contained in section 16-4, below</li> <li>• Music &amp; art studios</li> <li>• Newspapers and printing companies</li> </ul>

- Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below
- Mobile food vendors, subject to supplementary standards contained in section 16-4, below
- Music and art studios
- **Neighborhood community centers**
- Newspaper offices and printing establishments
- Nursing homes subject to supplementary standards contained in section 16-4, below
- Offices, business, professional and public
- Parking lots and parking garages
- Parks
- Personal services
- Planned residential developments (minor), subject to the requirements of article VII, below
- Private clubs
- Progressive care facilities subject to supplementary standards contained in section 16-4, below
- Public and semi-public buildings
- Recreational facilities, indoors
- Recreational facilities, outdoors, commercial
- Religious institutions
- Repair services, miscellaneous
- **Residential care facilities**
- Residential dwellings, single-family
- Residential dwellings, two-family
- Residential dwellings, multi-family, **subject to supplementary standards contained in section 16-4, below**
- Rest homes, subject to supplementary standards contained in section 16-4, below
- Restaurants
- Retail stores
- Schools, post-secondary, business, technical and vocational
- Schools, primary and secondary
- **Service stations**
- Signs, subject to the provisions of article XIII

- Nursing homes, subject to supplementary standards contained in section 16-4, below
- Offices, business, professional and public
- Parking lots & parking garages
- Parks
- Personal services
- Planned residential developments (minor), subject to the requirements of article VII, below
- Private clubs
- Progressive care facilities, subject to supplementary standards contained in section 16-4 below
- Public & semi-public buildings
- Recreational facilities, indoors
- Religious institutions
- Repair services, miscellaneous
- Residential dwellings, single family
- Residential dwellings, multi-family
- Residential dwellings, two-family
- Rest homes, subject to supplementary standards contained in section 16-4, below
- Restaurants
- Retail stores
- Schools, post-secondary, business, technical and vocational
- Schools, elementary & secondary
- Signs, subject to the provisions of article XIII, below
- Small scale manufacturing, subject to the supplementary standards contained in section 16-4, below
- Telecommunications antennas, subject to supplementary standards contained in section 16-4, below
- Theaters, indoors.

**Special Uses:**

- Child care centers
- Civic clubs & fraternal organizations
- Public utility facilities
- Vehicle repair & service, without outdoor operations



7th Ave - C-2 to CMU (Chariff)   P24-58-RZO		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
<b>SUPPLY, SUITABILITY, &amp; INTENSITY</b>		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	Consistent	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
<b>FUTURE LAND USE &amp; CONSERVATION MAP</b>		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	Downtown	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	
Focus Area Map (Pg. 134-159)	Consistent	



7th Ave - C-2 to CMU (Chariff)   P24-58-RZO		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
<b>GOALS</b>		
<b><u>Vibrant Neighborhoods (Pg. 93)</u></b>		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
<b><u>Abundant Housing Choices (Pg. 93)</u></b>		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
<b><u>Healthy and Accessible Natural Environment (Pg. 94)</u></b>		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	N/A	N/A
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	N/A	NA
<b><u>Authentic Community Character (Pg. 94)</u></b>		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent	
Historic preservation is utilized to maintain the city's identity.	Consistent	
City Centers and neighborhoods are preserved through quality development.	Consistent	
<b><u>Safe Streets and Trails (Pg. 95)</u></b>		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	
<b><u>Reliable &amp; Accessible Utility Services</u></b>		

Wastewater treatment (service and capacity) adequately serves existing and future development	N/A	N/A
adequately serves existing and future development.	Consistent	
<b>Satisfying Work Opportunities (pg. 96)</b>		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
<b>Welcoming &amp; Inclusive Community</b>		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent	
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent	
<b>Accessible &amp; Available Community Uses and Services (Pg. 97)</b>		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
<b>Resilient Community</b>		
N/A		
<b>GUIDING PRINCIPALS (pg. 98)</b>		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	Consistent	
New business and office space promotes creative hubs.	Consistent	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

7th Ave - C-2 to CMU (Chariff) | P24-58-RZO

**Chapter 5 - Downtown Design Guidelines**

**Consistent**

**Inconsistent**

**PUBLIC REALM**

Blocks (Pg. 212)

Provide vehicle access to nearby buildings via alleyways or shared driveways.

Consistent

Utilize smaller curb radii to shorten crossing distances for pedestrians.

N/A

Extend the historic downtown block pattern throughout the entirety of the downtown character districts.

Consistent

Implement interior pedestrian cut throughs as necessary to achieve the ideal block size (300-500').

Consistent

Main Street & Downtown Edge Character Districts (Pg. 213)

Any future development or redevelopment within the Main Street and Downtown Edge character districts should maintain consistent with the existing block size and grid layout along Main Street and in the downtown core.

Consistent

New connector streets and alleys should be considered where appropriate to increase better access and circulation.

NA

NA

Streetscape Character (Pg. 218-222)

The streetscape character matches the street classification the development is located on. (Pg. 218-219)

Consistent

The streetscape zones are sufficient for the street classification. (Pg. 224-234)

Consistent

Pedestrian & Bike Infrastructure (Pg. 238-243)

Sidewalks (Pg. 238)

Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.

Consistent

External sidewalks should be provided from all buildings onsite to the existing or proposed sidewalk system and to abutting multi-use trails, parks, and greenways.

Consistent

Greenways & Trails (Pg. 238)

Expand and improve greenway and trail networks to create connections between neighborhoods, parks, and destinations.

NA

NA

On-Road Facilities

Sidewalks (Pg. 240)

Expand existing sidewalk network to fill gaps in connectivity. Downtown sidewalks, where feasible, should be a minimum of 10' in width to promote walkability.

Consistent

Incorporate buffer zones, such as landscaped areas or street furniture, between sidewalks and vehicular traffic	Consistent	
<b>SITE DESIGN (Pg. 254-265)</b>		
Frontage Types (Pg. 254)		
Identify which Frontage Type the development is and write in cell to the right.	Primary: Downtown, Festival   Non-Primary: Alley	
Building Placement & Setback Character (Pg. 254-255)		
Orientation (Pg. 254-255)		
Building faces the street and is accessible from the sidewalk.	Consistent	
Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building	Consistent	
Buildings located on a corner should have one of the following architectural features: Two entrances, one primary and one secondary, located on each frontage. Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.	Consistent	
Setback Line (Pg. 255)		
The setback line is based off of the future back of curb - based on Frontage Type (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Zone		
The Build-to-Zone begins at the required Frontage Type setback line (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Percentage		
The Build-To-Percentage refers to the proportion of a lot's frontage that must be occupied by the building façade. (Pg. 256, refer to Figure 5.26)	Consistent	
Setback Exceptions (Pg. 255)		
Refer to this section for setback exceptions for Primary and Primary-Other classification. (Pg. 255)	NA	NA
Building Height		
Story (Pg. 257)		
New downtown buildings must be at least two stories tall, with exceptions for certain accessory structures like retail kiosks or public restrooms	Consistent	
Building Height by District		
The permitted building height varies according to the specific character district. Refer to Figure 5.28	Consistent	
The building height is appropriate based off of the maximum heights set by the Building Heights Map (Figure 5.31, Pg. 259).	Consistent	

Rear and Side Setbacks for Development		
Character District Transitions (Pg. 260)		
When development is located next to a district with a lower height restriction, the development should be no more than one-story differential for the first 50 feet of building width.	Consistent	
Residential Transitions (Pg. 260)		
Development adjacent to residentially zoned land and/or historic structure should be no more than one-story differential for the first 50 feet of building width.	N/A	
Greenway & Trail Frontage (Pg. 260)		
When future development is planned along a proposed trail as outlined on any adopted plans, it is the responsibility of the development to construct the portion of the trail along the development frontage.	NA	NA
Connections to Parks and Greenways (Pg. 261)		
When a development abuts an existing or future greenway, park, or open space area, pedestrian/bicycle accessways must be provided at a minimum of every 1000 feet when feasible as determined by City staff.	NA	NA
Landscape (Pg. 261)		
Design landscaping, fencing, and retaining walls to be integrated into the site and its architecture.	Consistent	
Screen service areas, utilities, and parking areas with trees, shrubs, and other landscaping.	Consistent	
Install pedestrian bulbouts at street intersections within the downtown districts to reduce pedestrian crossing distance and expand public space. Integrate plantings, monumentation, public art, and seating within these spaces	NA	NA
Stormwater Management (Pg. 261)		
Underground stormwater detention should be utilized within the downtown districts versus surface detention facilities.	NA	NA
Low impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands shall be utilized in surface parking lots.	N/A	
Utilize innovative stormwater management methods such as the use of bioretention in planting strips along nonprimary streets.	NA	NA
Parking (Pg. 262)		
Surface parking lots shall not be a principal use in any character district	Consistent	
For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during offpeak business hours.	NA	NA
Shared parking is encouraged.	Consistent	
Structured Parking (Pg. 262)		

Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.	NA	NA
Developments requiring 200 vehicular parking spaces or more must build structured parking.	NA	NA
Parking structures may be a principal use in the character districts.	NA	NA
Parking structures should be wrapped with liner buildings and follow these design guidelines: When adjacent to a frontage, parking structures shall include active uses along 80% of the primary frontage and 60% of the ground floor building length along any seconding frontage, excluding areas of required vehicular and pedestrian egress, and utility rooms. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent habitated portions of the building. 60% of all openings on or visible from a frontage shall be screened with architectural louvers and/or panels.	NA	NA
<b>Parking Requirements (Pg. 262-263)</b>		
Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu of.	NA	NA
Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district.	Consistent	
The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation (Figure 5.33, Pg. 263).	Consistent	
<b>Trailhead Parking (Pg. 263)</b>		
Surface lots for trailhead parking are allowed within the 7th Avenue and Lower Trailhead character districts.	NA	NA
Trailhead parking lots must be spaced a minimum ½ mile from each other.	NA	NA
These parking lots shall hold 10 spaces or fewer, including ADA spaces.	NA	NA
Trailhead parking lots may incorporate amenities such as restrooms, water fountains, trash/recycling receptacles, and benches.	NA	NA
Parking lots must be screened from the trail and the public street utilizing landscaping at a minimum width of a 10' landscape buffer.	NA	NA
<b>On-Site Open Space (Pg. 264)</b>		
All proposed developments are required to provide onsite open space except for developments on parcels one-fourth acre or less in size.	Consistent	
Developments shall provide a minimum of on-site open space in accordance with the following: Main Street: 5%, Downtown Edge: 10%, 7th Avenue: 10%, Lower Trailhead: 15%	Consistent	
<b>Public On-Site Open Space (Pg. 264)</b>		
Public on-site open space should be provided in accordance with Table 5.34 on Pg. 264.	Consistent	
<b>On-Site Open Space Types (Pg. 264)</b>		

Appropriate on-site open space is provided in accordance with Figure 5.36 Pg. 265.	Consistent	
<b>BUILDING DESIGN</b>		
Architectural Character (Pg. 266)		
Development design fits into the existing architectural character of the character district its located in.	Somewhat Consistent	
Façade Articulationa and Massing (Pg. 268-269)		
For buildings 150 feet in length or longer: Façades shall be divided into shorter segments by means of modulation; such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth. A courtyard, with a minimum width and depth of 60 feet, shall be visible from the street on primary frontages spaced no more than 150 feet.	Consistent	
Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance pedestrian environment. Special interest to the base shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base. Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include: Chamfered or rounded corners. Projecting and recessed balconies and entrances. Enhanced window designs	Somewhat Consistent	
Building Elements (Pg. 270-275)		
Entry		
The main pedestrian entry shall be a prominent entrance on the primary frontage	Consistent	
For corner buildings with two frontages, the main pedestrian entry can be located on the corner.	Consistent	NA
Enhance the design of entry areas with materials, as well as architectural and landscape features, that will naturally guide pedestrians	Somewhat Consistent	
Windows		
Shopfront windows shall not be lower than 2 feet from the ground plane except where architectural elements like floor or ceiling glass curtain walls or glass roll up doors are utilized.	Somewhat Consistent	
Windows should comprise more than 60% of the building façade in the Main Street and Downtown Edge districts.	N/A	
Windows should comprise more than 40% of the building façade in the 7th Avenue and Lower Trailhead districts.	Consistent	
Windows shall be set back 4-6 inches from the façade rather than flush.	Somewhat Consistent	
Roof		

Infill development in the Main Street district shall have flat roofs to match the existing architecture of Main Street.	Somewhat Consistent	
Pitched roofs are permitted in the Downtown Edge, 7th Avenue, and Lower Trailhead districts.	Consistent	
<b>Recessed Doorways</b>		
Recessed doorways are encouraged with 5 feet as the maximum distance of recess from the front wall.	Consistent	
No glass shall be positioned lower than two feet above ground level.	Consistent	
Doors are not permitted to swing into the sidewalk/ pedestrian zone	Consistent	
<b>Activated Ground Floor</b>		
Ground floor façades should be composed primarily of glass to allow views of the use and activity within the buildings	Consistent	
Within the Main Street and Downtown Edge districts, the ground floor shall be composed of commercial uses.	Consistent	
Private residences are prohibited on primary frontages within Main Street and Downtown Edge districts.	Consistent	
Primary residence entries, including those for townhomes and brownstones, should incorporate features such as stoops, porches, etc.	Somewhat Consistent	
Ground floor design should incorporate elements such as retail displays, planters, art, and canopy coverings to encourage pedestrian activity.	Somewhat Consistent	
<b>Materiality</b>		
Materials chosen for building façades, balconies, windows, or roof should be compatible with the surrounding context of the district but should not be identical as to not allow for any diversity.	Consistent	
All façades visible from a primary frontage shall utilize high-quality finish materials such as: brick, wood, stone, concrete-based stucco, horizontal wood siding, architectural metal panel, or wood shingle.	Consistent	
Within the Main Street and Downtown Edge districts, brick shall be the primary building material. Predominant shall mean more than (50%) of the non-glasses wall surface	N/A	
The following materials are prohibited within any of the downtown districts: EFIS, concrete board, concrete block, pre-engineered corrugated metal panels, and vinyl.	Somewhat Consistent	
<b>Franchise Architecture</b>		
Franchise architecture, a standardized architectural building style used as part of a standardized program to promote brand identity through visual recognition, is not permitted within the character districts.	Consistent	
Franchise architecture should be modified as necessary to be in line with the existing character district in which it is proposed.	Consistent	
Franchise architecture must conform with all Downtown Design Guidelines.	Consistent	



Drive-Throughs		
Drive-through facilities or services are not permitted within the Main Street, Downtown Edge, or 7th Avenue districts. • This applies to any type of drive-through facility or service including restaurants and financial institutions. Walk-up service windows are the preferred service window in a downtown pedestrian-oriented district	Consistent	
Within the Lower Trailhead District, drive-throughs are permitted but cannot be along the primary frontage. They shall be located to the rear of the building.	NA	
Signs		
Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.	NA	NA

Ordinance # \_\_\_\_ - \_\_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891) BY CHANGING THE ZONING DESIGNATION FROM C-2 SECONDARY BUSINESS, TO CMU, CENTRAL MIXED USE**

IN RE: Parcel Numbers: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891  
7<sup>th</sup> Ave (Chariff) | File # P24-58-RZO

**WHEREAS**, the Planning Board took up this application at its regular meeting on September 12<sup>th</sup>, 2024; voting [redacted] to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on October 3<sup>rd</sup>, 2024, and

**WHEREAS**, City Council has found that this zoning map amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 3<sup>rd</sup>, 2024,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891, By Changing the zoning designation from C-2 Secondary Business, to CMU, Central Mixed Use
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3<sup>rd</sup> day of October 2024.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

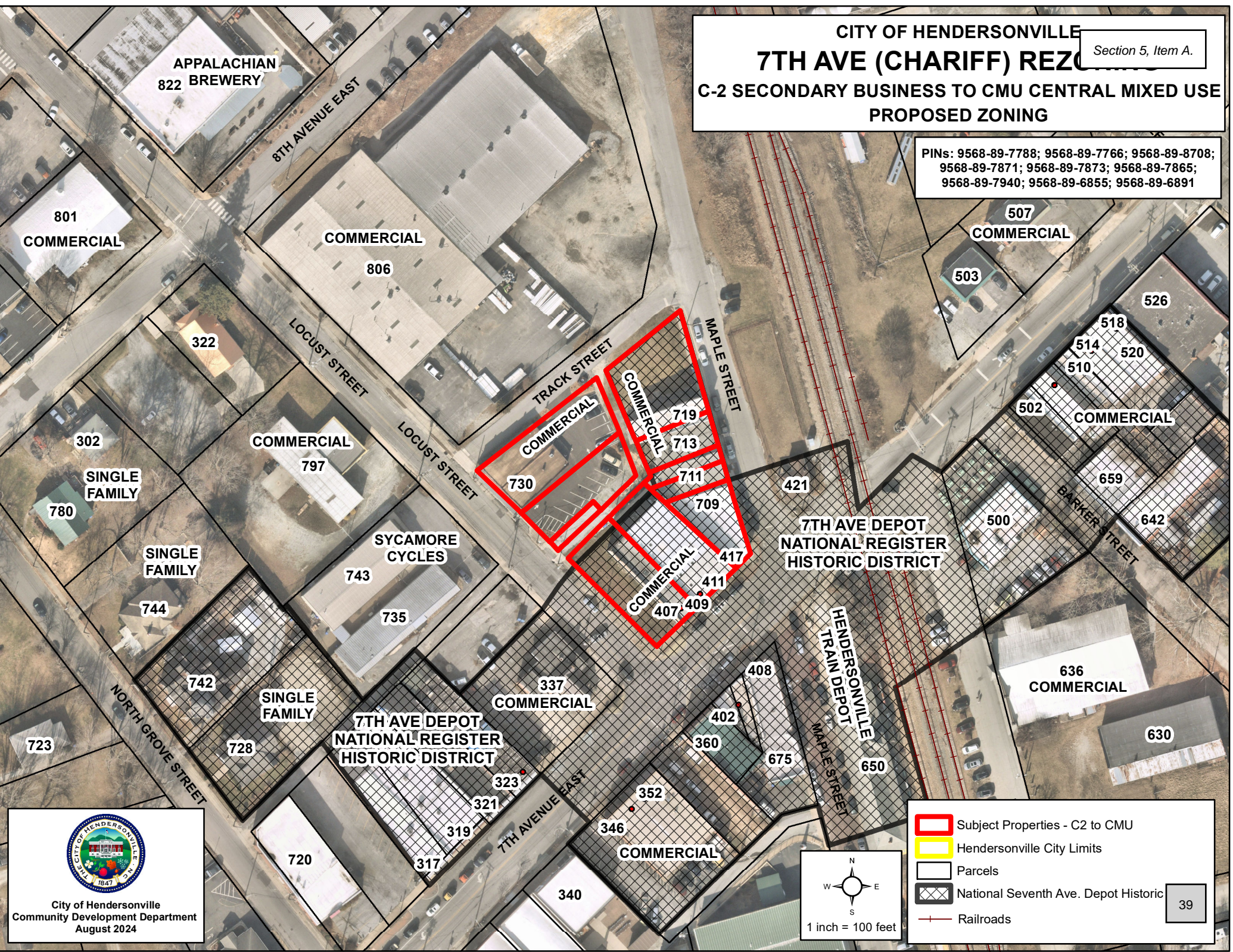
Angela S. Beeker, City Attorney



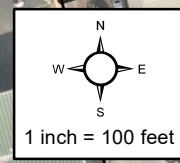
**CITY OF HENDERSONVILLE**  
**7TH AVE (CHARIFF) REZONING**  
**C-2 SECONDARY BUSINESS TO CMU CENTRAL MIXED USE**  
**PROPOSED ZONING**

*Section 5, Item A.*

**PINs: 9568-89-7788; 9568-89-7766; 9568-89-8708;**  
**9568-89-7871; 9568-89-7873; 9568-89-7865;**  
**9568-89-7940; 9568-89-6855; 9568-89-6891**



	Subject Properties - C2 to CMU
	Hendersonville City Limits
	Parcels
	National Seventh Ave. Depot Historic
	Railroads







# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Matthew Manley      **MEETING DATE:** September 12, 2024

**AGENDA SECTION:** New Business      **DEPARTMENT:** Community Development

**TITLE OF ITEM:** Zoning Text Amendment: Alignment of Urban Village and Urban Residential with Gen H Comprehensive Plan (P24-66-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*

**SUGGESTED MOTION(S):**

<u><b>For Recommending Approval:</b></u>	<u><b>For Recommending Denial:</b></u>
<p>I move Planning Board recommend City Council <b>adopt</b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. ‘Urban Village Conditional Zoning District Classification (UV)’ and Section 5-25. ‘Urban Residential Conditional Zoning District Classification (UR)’, and City of Hendersonville Subdivision Ordinance, Section 1.07 - ‘Relationship to other laws and policies’ based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use &amp; Conservation Map and the Character Area Descriptions.</p> <p><b>2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"> <li>Urban Residential and Urban Village Zoning Districts were outdated</li> <li>The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.</li> <li>The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan</li> </ol> <p><b>[DISCUSS &amp; VOTE]</b></p>	<p>I move Planning Board recommend City Council <b>deny</b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. ‘Urban Village Conditional Zoning District Classification (UV)’ and Section 5-25. ‘Urban Residential Conditional Zoning District Classification (UR)’, and City of Hendersonville Subdivision Ordinance, Section 1.07 - ‘Relationship to other laws and policies’ based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use &amp; Conservation Map and the Character Area Descriptions.</p> <p><b>2. We [do not 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:</b></p> <ol style="list-style-type: none"> <li>Urban Residential and Urban Village zoning districts are incompatible with the list of permitted Character Areas</li> </ol> <p><b>[DISCUSS &amp; VOTE]</b></p>

**SUMMARY:** *The City of Hendersonville is initiating an amendment to the City's Zoning Ordinance and Subdivision Ordinance to make updates which align with the City's newly adopted Gen H 2045 Comprehensive Plan.*

*The proposed changes would update the Future Land Use designations referenced in two zoning districts - Section 5-24 (Urban Village) and Section 5-25 (Urban Residential). Currently, these two zoning districts make reference to Future Land Use designations outlined in the 2030 Comprehensive Plan. The proposed amendment would update the Future Land Use designations to align with the Gen H 2045 Comprehensive Plan. The Future Land Use designations are used as a tool within these two zoning districts to guide the appropriate locations for this type of zoning. Additionally, the 2030 Comprehensive Plan is specifically referenced in the City's Subdivision Ordinance. This update would be to make the Subdivision generally reference the currently adopted Comprehensive Plan rather than reference a specific plan by year or title.*

<b>PROJECT/PETITIONER NUMBER:</b>	P24-66-ZTA
<b>PETITIONER NAME:</b>	City of Hendersonville
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Staff Report</li><li>2. Comprehensive Plan Consistency &amp; Criteria Evaluation</li><li>3. Draft Ordinance</li></ol>

ZONING TEXT AMENDMENT: ALIGNMENT OF URBAN RESIDENTIAL & URBAN VILLAGE ZONING DISTRICTS WITH GEN H COMPREHENSIVE PLAN (P24-66-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY ..... 2

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS ..... 3

LEGISLATIVE COMMITTEE RECOMMENDATION ..... 3

PROPOSED TEXT REVISIONS ..... 4

GEN H COMPREHENSIVE PLAN -FUTURE LAND USE AND CONSERVATION MAP ..... 6

FUTURE LAND USE & CONSERVATION FOCUSED INTENSITY NODES MAP ..... 7

AMENDMENT STANDARDS (ARTICLE 11-4) ..... 8

REZONING STANDARDS ANALYSIS & CONDITIONS ..... 10

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 11



PROJECT SUMMARY



- Project Name & Case #:
  - Urban Residential & Urban Village Alignment with Gen H Comp Plan
  - P24-66-ZTA
  
- Applicant:
  - City of Hendersonville
  
- Articles Amended:
  - Zoning Ordinance
    - Section 5-24
    - Section 5-25
  - Subdivision Ordinance
    - Section 1.07
  
- Zoning Districts Impacted:
  - Urban Village
  - Urban Residential
  
- Future Land Use Designations:
  - Multi-Generational Living
  - Mixed Use-Commercial
  - Mixed Use-Employment
  - Downtown

**Summary**

*The City of Hendersonville is initiating an amendment to the City’s Zoning Ordinance and Subdivision Ordinance to make updates which align with the City’s newly adopted Gen H 2045 Comprehensive Plan.*

*The proposed changes would update the Future Land Use designations referenced in two zoning districts - Section 5-24 (Urban Village) and Section 5-25 (Urban Residential). Currently, these two zoning districts make reference to Future Land Use designations outlined in the 2030 Comprehensive Plan. The proposed amendment would update the Future Land Use designations to align with the Gen H 2045 Comprehensive Plan. The Future Land Use designations are used as a tool within these two zoning districts to guide the appropriate locations for this type of zoning.*

*Additionally, the 2030 Comprehensive Plan is specifically referenced in the City’s Subdivision Ordinance. This update would be to make the Subdivision generally reference the currently adopted Comprehensive Plan rather than reference a specific plan by year or title.*

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

The Urban Residential and Urban Village Zoning Districts are two of the conditional zoning districts outline in Article V of the City’s Zoning Ordinance. In both Conditional Zoning Districts (Section 5-24 & Section 5-25), references under “Procedure” are made to Future Land Use designations found in the City’s *2030 Comprehensive Plan*. The purpose of referencing these designations found in the Future Land Use Map (FLUM) is to identify the appropriate locations in the City where Urban Village and Urban Residential zoning would be appropriate. Given that the new *Gen H 2045 Comprehensive Plan* has been adopted, these Future Land Use references are outdated and need to be aligned with the Character Area designations in City’s newly adopted Future Land Use & Conservation Map. The indirect relationship between the Future Land Use designations in the *2030 Comprehensive Plan* and the *Gen H Comprehensive Plan* are as follows:

<u>2030 FLUM</u>		<u>Gen H FLUM</u>
Medium Intensity Neighborhood		> Multi-Generational Living
High Intensity Neighborhood	>	Neighborhood Center
Neighborhood Activity Center		> Mixed Use Employment
Regional Activity Center		> Mixed-Use Commercial
Business Center		> Downtown

In addition to making these new references, staff is proposing to include language that supports the added density provided by the Urban Residential Zoning District within the “Focused Intensity Nodes” found on p. 119 of the *Gen H Comprehensive Plan*. The Focused Intensity Nodes are nearly 100% comprised of the Future Land Use Designations proposed for Urban Residential (listed above), but in cases where there is a Future Land Use designation, other than those listed but within one of these Focused Intensity Nodes, the proposed language to allow Urban Residential in these areas will provide clarity and align with the growth strategy proposed by the *Gen H Comprehensive Plan*.

Additionally, in an effort to further align with the goals of the Gen H Comprehensive Plan, staff is proposing to add additional residential uses to the list of permitted uses in the Urban Residential district. Currently, single-family (attached or detached) residential units are not permissible in the Urban Residential Zoning District, but are permitted in the Urban Village Zoning District. To provide opportunities for a range of housing types in new developments, it is proposed that single-family detached, single-family attached and two-family housing types be added to the list of permitted uses in the Urban Residential District. To ensure a mix of housing types other than just single-family detached, the proposed language limits the use of single-family detached housing to no more than 50% of the total units in the development.

Lastly, the City’s Subdivision Ordinance makes a reference to the *2030 Comprehensive Plan* in the list of adopted policies that shall provide guidance towards “administration, enforcement, and amendments” to the Subdivision Ordinance. Staff is proposing that the reference be made broadly to the “most-recently” adopted “Comprehensive Plan” rather than reference a Comprehensive Plan from a specific year.

LEGISLATIVE COMMITTEE RECOMMENDATION

The proposed amendment was developed by staff after the August Legislative Committee meeting had already taken place. Therefore the Legislative Committee was unable to evaluate this proposal in advance of the September Planning Board meeting.



PROPOSED TEXT REVISIONS

The following revisions to the zoning code are presented for your consideration:

**ZONING ORDINANCE**

**Sec. 5-24. - UV Urban Village Conditional Zoning District Classification**

**5-24-1 Procedure.**

The reclassification of property to UVCZD Urban Village Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. UVCZD Urban Village Conditional Zoning Districts shall be created only in locales designated in the Comprehensive Plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Village District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Village Conditional Zoning District is located no more ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

**Sec. 5-25. - UR Urban Residential Conditional Zoning District Classification.**

**5-25-2 Procedure.**

The reclassification of property to Urban Residential Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Urban Residential Conditional Zoning Districts shall be created only in locales designated in the comprehensive plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Residential Conditional Zoning District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Residential Conditional Zoning District is located no more than ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

**5-25-3 Permitted uses.**

The following uses are permitted within the UR Urban Residential Zoning District Classification.

Residential dwellings, multi-family

Residential dwellings, single-family subject to the stipulations provided in Section 5-25-6, below

Residential dwellings, two-family

**5-25-6 Limitations to Single-Family Detached Dwellings**

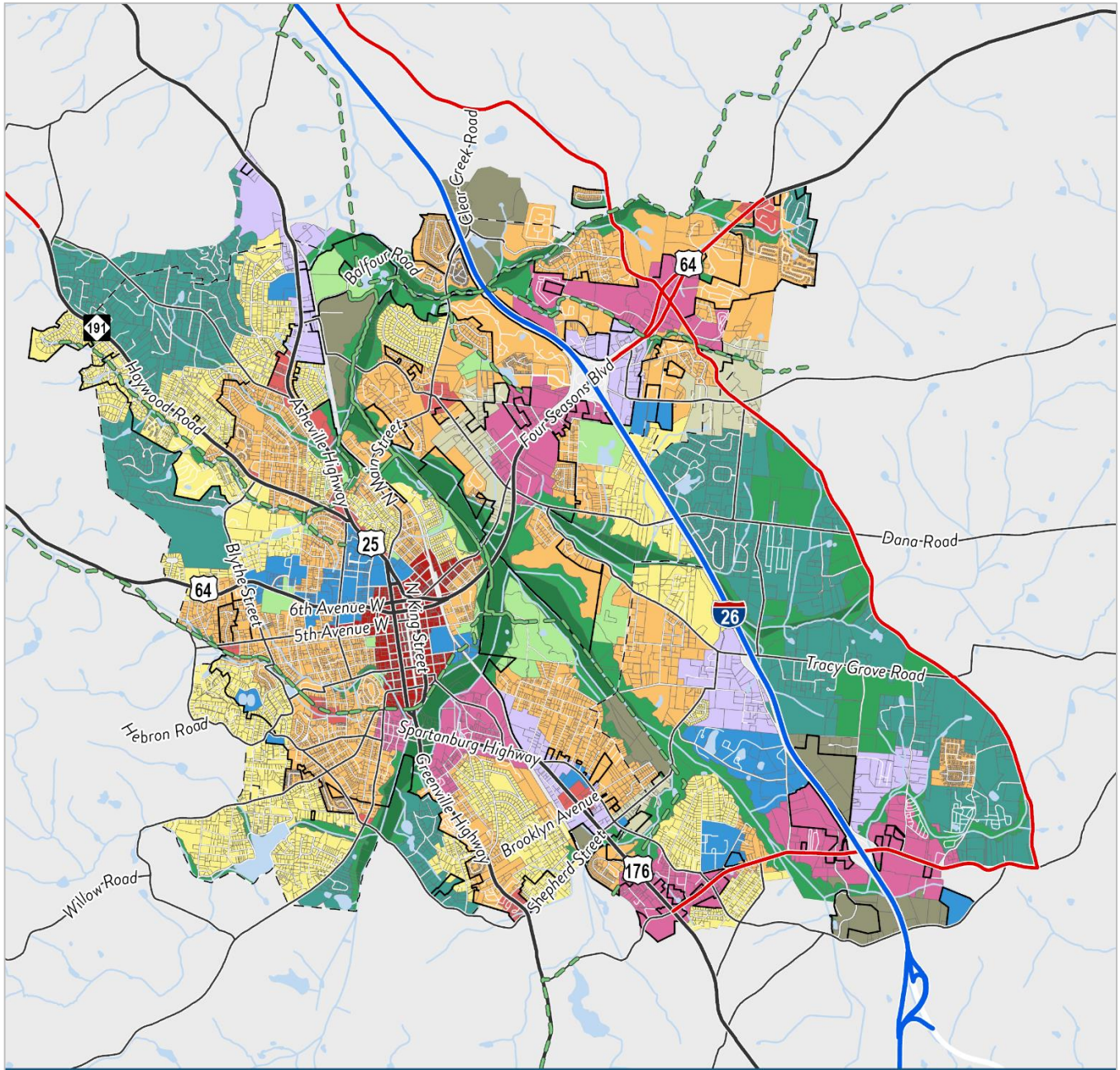
Single-Family detached dwellings shall comprise no more than 50% of the total units of any development. The remaining balance of residential units may be any combination of single-family attached, two-family and multi-family residential dwellings.

**SUBDIVISION ORDINANCE**

**Sec. 1.07. Relationship to other laws and policies.**

- A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's most-recently adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:
1. The ~~2030~~ Comprehensive Plan;
  2. The Parks and Greenspace Plan;
  3. The Pedestrian Plan;
  4. The Bicycle Plan; and
  5. Any other applicable city-adopted policy language

GEN H COMPREHENSIVE PLAN - FUTURE LAND USE AND CONSERVATION MAP



Future Land Use & Conservation Map (DRAFT)

0 4,500 Feet



- Open Space - Conservation 1 (Regulated)
- Open Space - Conservation 2 (Natural)
- Open Space - Recreation
- Rural Residential
- Family/Neighborhood Living
- Multi-Generational Living
- Downtown

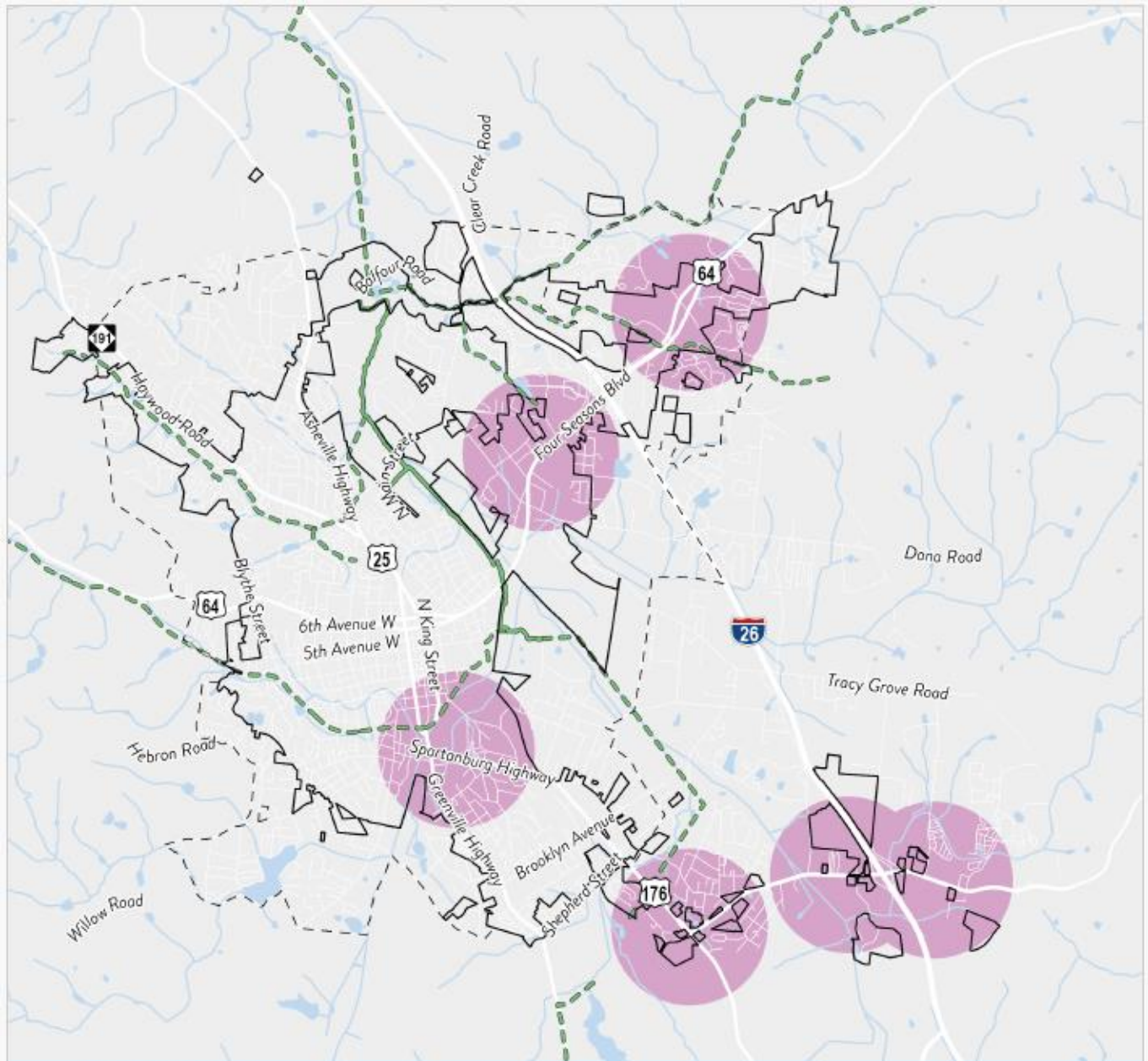
- Mixed Use - Commercial
- Neighborhood Center
- Mixed Use - Employment
- Institutional
- Innovation
- Production
- Existing Greenways and Trails
- Proposed Greenways and Trails

- CTP Highway Classification
- Freeway
  - Boulevard
  - Other Major Thoroughfare
  - Minor Thoroughfare
  - Hendersonville City Limits
  - Hendersonville ETJ

Source: City of Hendersonville, Henderson County, NCDOT



FUTURE LAND USE & CONSERVATION FOCUSED INTENSITY NODES MAP



Future Land Use & Conservation Focused Intensity Nodes Map



- |   |                               |                            |
|---|-------------------------------|----------------------------|
| Open Space - Conservation 1 (Regulated) | Mixed Use - Commercial        | Hendersonville City Limits |
| Open Space - Conservation 2 (Natural)   | Neighborhood Center           |                            |
| Open Space - Recreation                 | Mixed Use - Employment        |                            |
| Rural Residential                       | Institutional                 |                            |
| Family/Neighborhood Living              | Innovation                    |                            |
| Multi-Generational Living               | Production                    |                            |
| Downtown                                | Existing Greenways and Trails |                            |
|   | Proposed Greenways and Trails |                            |

Source: City of Hendersonville, Henderson County, NCDOT

AMENDMENT STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b><u>LAND SUPPLY, SUITABILITY &amp; INTENSITY</u></b> N/A</p>
	<p><b><u>FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Character Area Designations:</b> Downtown  <b>Character Area Descriptions:</b> Consistent  <b>Zoning Crosswalk:</b> Inconsistent  <b>Focus Area Map:</b> N/A</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p>In addition to a general analysis, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating the zoning text amendment’s compatibility. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project the Downtown Character Areas, staff evaluated the project according to Chapter V of the Gen H Plan.</p>
	<p><b><u>EXISTING CONDITIONS</u></b>  The proposed amendments update the City’s Zoning Code to align with the City’s new Gen H Comprehensive Plan. The addition of single-family uses to the Urban Residential Zoning District will assist in providing a mix of housing types which are compatible with existing land uses in areas of the City identified in the Future Land Use Map. Additionally, the development standards of the Urban Residential and Urban Village zoning districts help to promote pedestrian-friendly design, mixed uses, interconnectivity, and architectural standards that support compatible site and building design.</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Consistent  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> N/A  <b>Satisfying Work Opportunities:</b> Consistent  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u></b> (Chapter IV)  <b>Mix of Uses:</b> Consistent  <b>Compact Development:</b> Consistent</p>

	<p><b>Sense of Place:</b> Consistent  <b>Conserved &amp; Integrated Open Spaces:</b> Consistent  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p>
	<p><b>DESIGN GUIDELINES ASSESSMENT</b> (Chapter V)  <b>Public Realm</b> - Consistent  <b>Site Design</b> - Consistent  <b>Building Design</b> - Consistent</p>
<p>3) Changed Conditions</p>	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -  The City’s Gen H Comprehensive Plan was recently adopted on August 1, 2024 making references from the 2030 Comprehensive Plan in the Zoning Code and Subdivision Ordinance out of date.</p>
<p>4) Public Interest</p>	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -  The proposed amendment would allow for a compatible infill development with a mix of housing types and higher density, walkable developments in key locations across the City.</p>
<p>5) Public Facilities</p>	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment    N/A</p>
<p>6) Effect on Natural Environment</p>	<p>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -    There is no immediate development proposed.</p>



REZONING STANDARDS ANALYSIS & CONDITIONS

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**Staff Analysis**

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description. One area of inconsistency is with the Zoning Crosswalk which only reflects Urban Residential and Urban Village as being appropriate zoning districts in the Multi-Generational Living Character Area. However, it is staffs' opinion that this zoning district can be applied in a range of Character Areas as one of the better tools to achieve the densities desired in certain areas of the city. One logical reason for Urban Residential not being more broadly applicable to other Character Areas, as identified in the Zoning Crosswalk, is due to the limitations on commercial uses as prescribed in 5-25-3. While Urban Village does not have these limitations on commercial uses and is more of a true mixed use zoning district, it is limited to developments that are 10 acres or greater in size.
2. Compatibility - The proposed text amendment would improve the compatibility of the Urban Residential Zoning District by expanding the mix of housing types permitted.
3. Changed Conditions - The text amendment is being prompted by the need for updated language in due to the newly adopted Gen H Comprehensive Plan which was adopted in early August 2024.
4. Public Interest - The text amendment maintains and improves the use of Urban Residential and Urban Village as critical zoning tools which advance the goals of the Gen H Comprehensive Plan.
5. Public Facilities - N/A
6. Effect on Natural Environment - N/A

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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, and because:

*The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.*

We **[find/do not 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:

*DRAFT [Rationale for Approval]*

- *Urban Residential and Urban Village Zoning Districts were outdated*
- *The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.*
- *The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan*

*DRAFT [Rational for Denial]*

- *Urban Residential and Urban Village zoning districts are incompatible with the list of permitted Character Areas*

*DRAFT [Rationale for Approval]*

- *Urban Residential and Urban Village Zoning Districts were outdated*
- *The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.*
- *The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan*

*DRAFT [Rational for Denial]*

- *Urban Residential and Urban Village zoning districts are incompatible with the list of permitted Character Areas*

*DRAFT [Rationale for Approval]*

UR & UV Alignment with Comp Plan   P24-66-ZTA		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
<b>SUPPLY, SUITABILITY, &amp; INTENSITY</b>		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	N/A	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	N/A	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
<b>FUTURE LAND USE &amp; CONSERVATION MAP</b>		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	Downtown	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent
Focus Area Map (Pg. 134-159)	Consistent	

UR & UV Alignment with Comp Plan   P24-66-ZTA		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
<b>GOALS</b>		
<b><u>Vibrant Neighborhoods (Pg. 93)</u></b>		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
<b><u>Abundant Housing Choices (Pg. 93)</u></b>		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
<b><u>Healthy and Accessible Natural Environment (Pg. 94)</u></b>		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	N/A	N/A
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent	NA
<b><u>Authentic Community Character (Pg. 94)</u></b>		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent	
Historic preservation is utilized to maintain the city's identity.	Consistent	
City Centers and neighborhoods are preserved through quality development.	Consistent	
<b><u>Safe Streets and Trails (Pg. 95)</u></b>		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	
<b><u>Reliable &amp; Accessible Utility Services</u></b>		

Wastewater treatment (service and capacity) adequately serves existing and future development	N/A	N/A
<b>Satisfying Work Opportunities (pg. 96)</b>		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
<b>Welcoming &amp; Inclusive Community</b>		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent	
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent	
<b>Accessible &amp; Available Community Uses and Services (Pg. 97)</b>		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
<b>Resilient Community</b>		
N/A		
<b>GUIDING PRINCIPALS (pg. 98)</b>		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	Consistent	
New business and office space promotes creative hubs.	Consistent	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

UR & UV Alignment with Comp Plan   P24-66-ZTA		
Chapter 5 - Downtown Design Guidelines	Consistent	Inconsistent
<b>PUBLIC REALM</b>		
Blocks (Pg. 212)		
Provide vehicle access to nearby buildings via alleyways or shared driveways.	Consistent	
Utilize smaller curb radii to shorten crossing distances for pedestrians.	N/A	
Extend the historic downtown block pattern throughout the entirety of the downtown character districts.	Consistent	
Implement interior pedestrian cut throughs as necessary to achieve the ideal block size (300-500').	Consistent	
Main Street & Downtown Edge Character Districts (Pg. 213)		
Any future development or redevelopment within the Main Street and Downtown Edge character districts should maintain consistent with the existing block size and grid layout along Main Street and in the downtown core.	Consistent	
New connector streets and alleys should be considered where appropriate to increase better access and circulation.	Consistent	NA
Streetscape Character (Pg. 218-222)		
The streetscape character matches the street classification the development is located on. (Pg. 218-219)	Consistent	
The streetscape zones are sufficient for the street classification. (Pg. 224-234)	Consistent	
Pedestrian & Bike Infrastructure (Pg. 238-243)		
Sidewalks (Pg. 238)		
Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.	Consistent	
External sidewalks should be provided from all buildings onsite to the existing or proposed sidewalk system and to abutting multi-use trails, parks, and greenways.	Consistent	
Greenways & Trails (Pg. 238)		
Expand and improve greenway and trail networks to create connections between neighborhoods, parks, and destinations.	Consistent	NA
On-Road Facilities		
Sidewalks (Pg. 240)		
Expand existing sidewalk network to fill gaps in connectivity. Downtown sidewalks, where feasible, should be a minimum of 10' in width to promote walkability.	Somewhat Consistent	



Incorporate buffer zones, such as landscaped areas or street furniture, between sidewalks and vehicular traffic	Consistent	
<b>SITE DESIGN (Pg. 254-265)</b>		
Frontage Types (Pg. 254)		
Identify which Frontage Type the development is and write in cell to the right.	N/A	
Building Placement & Setback Character (Pg. 254-255)		
Orientation (Pg. 254-255)		
Building faces the street and is accessible from the sidewalk.	Consistent	
Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building	Consistent	
Buildings located on a corner should have one of the following architectural features: Two entrances, one primary and one secondary, located on each frontage. Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.	Consistent	
Setback Line (Pg. 255)		
The setback line is based off of the future back of curb - based on Frontage Type (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Zone		
The Build-to-Zone begins at the required Frontage Type setback line (Pg. 256, refer to Figure 5.26)	Consistent	
Build-To-Percentage		
The Build-To-Percentage refers to the proportion of a lot's frontage that must be occupied by the building façade. (Pg. 256, refer to Figure 5.26)	Consistent	
Setback Exceptions (Pg. 255)		
Refer to this section for setback exceptions for Primary and Primary-Other classification. (Pg. 255)	NA	NA
Building Height		
Story (Pg. 257)		
New downtown buildings must be at least two stories tall, with exceptions for certain accessory structures like retail kiosks or public restrooms	Consistent	
Building Height by District		
The permitted building height varies according to the specific character district. Refer to Figure 5.28	Consistent	
The building height is appropriate based off of the maximum heights set by the Building Heights Map (Figure 5.31, Pg. 259).	Consistent	

Rear and Side Setbacks for Development		
Character District Transitions (Pg. 260)		
When development is located next to a district with a lower height restriction, the development should be no more than one-story differential for the first 50 feet of building width.		Inconsistent
Residential Transitions (Pg. 260)		
Development adjacent to residentially zoned land and/or historic structure should be no more than one-story differential for the first 50 feet of building width.		Inconsistent
Greenway & Trail Frontage (Pg. 260)		
When future development is planned along a proposed trail as outlined on any adopted plans, it is the responsibility of the development to construct the portion of the trail along the development frontage.	Consistent	
Connections to Parks and Greenways (Pg. 261)		
When a development abuts an existing or future greenway, park, or open space area, pedestrian/bicycle accessways must be provided at a minimum of every 1000 feet when feasible as determined by City staff.	Consistent	
Landscape (Pg. 261)		
Design landscaping, fencing, and retaining walls to be integrated into the site and its architecture.	Consistent	
Screen service areas, utilities, and parking areas with trees, shrubs, and other landscaping.	Consistent	
Install pedestrian bulbouts at street intersections within the downtown districts to reduce pedestrian crossing distance and expand public space. Integrate plantings, monumentation, public art, and seating within these spaces	N/A	N/A
Stormwater Management (Pg. 261)		
Underground stormwater detention should be utilized within the downtown districts versus surface detention facilities.	NA	N/A
Low impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands shall be utilized in surface parking lots.	N/A	N/A
Utilize innovative stormwater management methods such as the use of bioretention in planting strips along nonprimary streets.	N/A	N/A
Parking (Pg. 262)		
Surface parking lots shall not be a principal use in any character district		Inconsistent
For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during offpeak business hours.	N/A	N/A
Shared parking is encouraged.	Consistent	
Structured Parking (Pg. 262)		

Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.	N/A	N/A
Developments requiring 200 vehicular parking spaces or more must build structured parking.		Inconsistent
Parking structures may be a principal use in the character districts.	Consistent	
Parking structures should be wrapped with liner buildings and follow these design guidelines: When adjacent to a frontage, parking structures shall include active uses along 80% of the primary frontage and 60% of the ground floor building length along any seconding frontage, excluding areas of required vehicular and pedestrian egress, and utility rooms. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent habitated portions of the building. 60% of all openings on or visible from a frontage shall be screened with architectural louvers and/or panels.	N/A	N/A
<b>Parking Requirements (Pg. 262-263)</b>		
Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu of.	N/A	N/A
Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district.	Consistent	
The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation (Figure 5.33, Pg. 263).	Consistent	
<b>Trailhead Parking (Pg. 263)</b>		
Surface lots for trailhead parking are allowed within the 7th Avenue and Lower Trailhead character districts.	Consistent	
Trailhead parking lots must be spaced a minimum ½ mile from each other.	N/A	N/A
These parking lots shall hold 10 spaces or fewer, including ADA spaces.	N/A	N/A
Trailhead parking lots may incorporate amenities such as restrooms, water fountains, trash/recycling receptacles, and benches.	Consistent	
Parking lots must be screened from the trail and the public street utilizing landscaping at a minimum width of a 10' landscape buffer.	Consistent	
<b>On-Site Open Space (Pg. 264)</b>		
All proposed developments are required to provide onsite open space except for developments on parcels one-fourth acre or less in size.	Consistent	
Developments shall provide a minimum of on-site open space in accordance with the following: Main Street: 5%, Downtown Edge: 10%, 7th Avenue: 10%, Lower Trailhead: 15%	Consistent	
<b>Public On-Site Open Space (Pg. 264)</b>		
Public on-site open space should be provided in accordance with Table 5.34 on Pg. 264.	Consistent	
<b>On-Site Open Space Types (Pg. 264)</b>		

Appropriate on-site open space is provided in accordance with Figure 5.36 Pg. 265.	Consistent	
<b>BUILDING DESIGN</b>		
Architectural Character (Pg. 266)		
Development design fits into the existing architectural character of the character district its located in.	Consistent	
Façade Articulationa and Massing (Pg. 268-269)		
For buildings 150 feet in length or longer: Façades shall be divided into shorter segments by means of modulation; such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth. A courtyard, with a minimum width and depth of 60 feet, shall be visible from the street on primary frontages spaced no more than 150 feet.	Consistent	
Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance pedestrian environment. Special interest to the base shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base. Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include: Chamfered or rounded corners. Projecting and recessed balconies and entrances. Enhanced window designs	Consistent	
Building Elements (Pg. 270-275)		
Entry		
The main pedestrian entry shall be a prominent entrance on the primary frontage	Consistent	
For corner buildings with two frontages, the main pedestrian entry can be located on the corner.	Consistent	
Enhance the design of entry areas with materials, as well as architectural and landscape features, that will naturally guide pedestrians	Consistent	
Windows		
Shopfront windows shall not be lower than 2 feet from the ground plane except where architectural elements like floor or ceiling glass curtain walls or glass roll up doors are utilized.	Consistent	
Windows should comprise more than 60% of the building façade in the Main Street and Downtown Edge districts.	Consistent	
Windows should comprise more than 40% of the building façade in the 7th Avenue and Lower Trailhead districts.	Consistent	
Windows shall be set back 4-6 inches from the façade rather than flush.	Somewhat Consistent	

Roof		
Infill development in the Main Street district shall have flat roofs to match the existing architecture of Main Street.	Somewhat Consistent	
Pitched roofs are permitted in the Downtown Edge, 7th Avenue, and Lower Trailhead districts.	Consistent	
Recessed Doorways		
Recessed doorways are encouraged with 5 feet as the maximum distance of recess from the front wall.	Consistent	
No glass shall be positioned lower than two feet above ground level.	Consistent	
Doors are not permitted to swing into the sidewalk/ pedestrian zone		Inconsistent
Activated Ground Floor		
Ground floor façades should be composed primarily of glass to allow views of the use and activity within the buildings	Consistent	
Within the Main Street and Downtown Edge districts, the ground floor shall be composed of commercial uses.	Consistent	
Private residences are prohibited on primary frontages within Main Street and Downtown Edge districts.		Inconsistent
Primary residence entries, including those for townhomes and brownstones, should incorporate features such as stoops, porches, etc.	Consistent	
Ground floor design should incorporate elements such as retail displays, planters, art, and canopy coverings to encourage pedestrian activity.	Consistent	
Materiality		
Materials chosen for building façades, balconies, windows, or roof should be compatible with the surrounding context of the district but should not be identical as to not allow for any diversity.	Consistent	
All façades visible from a primary frontage shall utilize high-quality finish materials such as: brick, wood, stone, concrete-based stucco, horizontal wood siding, architectural metal panel, or wood shingle.	Consistent	
Within the Main Street and Downtown Edge districts, brick shall be the primary building material. Predominant shall mean more than (50%) of the non-glasses wall surface	N/A	
The following materials are prohibited within any of the downtown districts: EFIS, concrete board, concrete block, pre-engineered corrugated metal panels, and vinyl.	Somewhat Consistent	
Franchise Architecture		
Franchise architecture, a standardized architectural building style used as part of a standardized program to promote brand identity through visual recognition, is not permitted within the character districts.	Consistent	
Franchise architecture should be modified as necessary to be in line with the existing character district in which it is proposed.	Consistent	



Franchise architecture must conform with all Downtown Design Guidelines.	Consistent	
Drive-Throughs		
Drive-through facilities or services are not permitted within the Main Street, Downtown Edge, or 7th Avenue districts. • This applies to any type of drive-through facility or service including restaurants and financial institutions. Walk-up service windows are the preferred service window in a downtown pedestrian-oriented district	Consistent	
Within the Lower Trailhead District, drive-throughs are permitted but cannot be along the primary frontage. They shall be located to the rear of the building.		Inconsistent
Signs		
Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.	NA	NA

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS, SECTION 5-24. ‘URBAN VILLAGE CONDITIONAL ZONING DISTRICT CLASSIFICATION (UV)’ AND SECTION 5-25. ‘URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT CLASSIFICATION (UR)’, AND CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, SECTION 1.07 - ‘RELATIONSHIP TO OTHER LAWS AND POLICIES’**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on September 12, 2024; voting 0-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

**WHEREAS**, City Council took up this application at its regular meeting on October 3, 2024, and

**WHEREAS**, City Council has found that this zoning text amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 3, 2024,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. ‘Urban Village Conditional Zoning District Classification (UV)’ and Section 5-25. ‘Urban Residential Conditional Zoning District Classification (UR)’, and City of Hendersonville Subdivision Ordinance, Section 1.07 - ‘Relationship To Other Laws and Policies’.

**ZONING ORDINANCE**

**Sec. 5-24. - UV Urban Village Conditional Zoning District Classification**

**5-24-1 Procedure.**

The reclassification of property to UVCZD Urban Village Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. UVCZD Urban Village Conditional Zoning Districts shall be created only in locales designated in the Comprehensive Plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium-Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Village District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium-Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Village Conditional Zoning District is located no more ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

**Sec. 5-25. - UR Urban Residential Conditional Zoning District Classification.**

**5-25-2 Procedure.**

The reclassification of property to Urban Residential Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Urban Residential Conditional Zoning Districts shall be created only in locales designated in the comprehensive plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Residential Conditional Zoning District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Residential Conditional Zoning District is located no more than ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

**5-25-3 Permitted uses.**

The following uses are permitted within the UR Urban Residential Zoning District Classification.

Residential dwellings, multi-family

Residential dwellings, single-family subject to the stipulations provided in Section 5-25-6, below

Residential dwellings, two-family

**5-25-6 Limitations to Single-Family Detached Dwellings**

Single-Family detached dwellings shall comprise no more than 50% of the total units of any development. The remaining balance of residential units may be any combination of single-family attached, two-family and multi-family residential dwellings.

**SUBDIVISION ORDINANCE**

**Sec. 1.07. Relationship to other laws and policies.**

- A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's most-recently adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:
  1. The ~~2030~~ Comprehensive Plan;
  2. The Parks and Greenspace Plan;
  3. The Pedestrian Plan;
  4. The Bicycle Plan; and
  5. Any other applicable city-adopted policy language

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Jill Murray, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney





<p>number of streets that will allow double frontage lots, while also imposing more requirements to ensure that these lots do not negatively impact the community.</p> <p>3. The proposed text amendment will assist in redeveloping smaller lots in areas targeted for infill.</p> <p>[DISCUSS &amp; VOTE]</p>	<p>[DISCUSS &amp; VOTE]</p>
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**SUMMARY:** Zachary Grogan initiated a text amendment to the City’s Double Frontage requirements after talking with City staff about a new development. The proposed development created lots with double frontage, which is currently not allowed under our subdivision ordinance. Right now, the rules only permit double frontage on major roadways (expressway or boulevard).

In Mr. Grogan’s case, he is looking to subdivide several properties on Brooklyn Avenue to construct townhomes. Brooklyn Ave is classified as a local street, therefore is not able to have double frontage. Due to the site layout and confines of the property, a large portion of the townhomes would have double frontage along Brooklyn Avenue.

From a larger perspective, Planning Staff identified Double Frontage Lots as a top-priority for a Text Amendment in 2022. This was the 11<sup>th</sup> highest priority. Staff has seen several instances where double frontage lots would be a preferred outcome due to topography, traffic volumes and improved congestion management.

City staff is proposing several revisions to the subdivision ordinance that align with the applicant’s request, but also address issues in similar developments that staff has identified in recent months.

<b>PROJECT/PETITIONER NUMBER:</b>	P24-048-STA
<b>PETITIONER NAME:</b>	Zachary Grogan
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Staff Report</li> <li>2. Application</li> <li>3. Draft Ordinance</li> </ol>

SUBDIVISION TEXT AMENDMENT: CHANGES TO DOUBLE FRONTAGE REQUIREMENTS (P24-048-STA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW..... 3

SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS..... 3

PUBLIC INPUT / RECOMMENDATION ..... 9

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) ..... 10

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT ..... 11



PROJECT SUMMARY

- Project Name & Case #:
  - Changes to Double Frontage Requirements (Subdivision)
  - P24-048-STA
- Applicant:
  - Zachary Grogan
- Subdivision Ordinance Articles Amended:
  - Sec. 3.03. Lots.
  - Sec. 3.04. Access to lots.
  - Sec. 4.03. Streets.
- Planning Board - Legislative Committee Meeting
  - August 20<sup>th</sup>, 2024
- Summary Basics:
  - The applicant's petition proposes a waiver for the requirements in section 3.03(D) and section 3.04(C) of the Subdivision Ordinance to allow for double frontage lots in more instance.
  - City staff is proposing additional changes to the double frontage requirements that would do the following:
    1. Establish a lesser buffer standard dependent on the street classification.
    2. Expand the number of street classifications that would require a marginal access street.
    3. Establish a trigger for marginal access streets that would be dependent on Annual Average Dailey Traffic (AADT) counts.

*Summary of Amendment Petition:*

*Zachary Grogan initiated a text amendment to the City's Double Frontage requirements after talking with City staff about a new development. The proposed development created lots with double frontage, which is currently not allowed under our subdivision ordinance. Right now, the rules only permit double frontage on major roadways (expressway or boulevard).*

*In Mr. Grogan's case, he is looking to subdivide several properties on Brooklyn Avenue to construct townhomes. Brooklyn Ave is classified as a local street, therefore is not able to have double frontage. Due to the site layout and confines of the property, a large portion of the townhomes would have double frontage along Brooklyn Avenue.*

*From a larger perspective, Planning Staff identified Double Frontage Lots as a top-priority for a Text Amendment in 2022. This was the 11<sup>th</sup> highest priority. Staff has seen several instances where double frontage lots would be a preferred outcome due to topography, traffic volumes and improved congestion management.*

*City staff is proposing several revisions to the subdivision ordinance that align with the applicant's request, but also address issues in similar developments that staff has identified in recent months.*

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

Due to the requirements in our ordinance, Mr. Grogan would not be able to subdivide the property along Brooklyn Avenue as planned because several of the proposed townhomes would have double frontage. Given the existing ordinance, Mr. Grogan would be forced to alter his development to either 1) avoid subdividing the property, 2) to create a buffer of land along the road frontage separate from the subdivided properties, or 3) avoid double frontage entirely but create driveways along Brooklyn that would be incompatible with the existing street. Mr. Grogan submitted a Subdivision Text Amendment that would enable double frontage in more circumstances throughout the City.

Staff has noted several other subdivision proposals in recent months in addition to Mr. Grogan’s that also have double frontage lots. The proposed subdivision would either require numerous driveways onto existing streets or would create a double frontage lot that would not be allowed in the current ordinance.

In revising the subdivision ordinance, staff has initiated three main changes that, when taken together, expand where double frontage is allowed while also maintaining sufficient buffering. The following changes were made throughout the subdivision ordinance:

1. In Section 3.03 (D), we created two different buffer zone types for the varying street classifications.
2. In section 3.04 (B-C), we expand the number of street classifications that would require a marginal access street
3. In Section 3.04 (B-C), we establish a trigger to require marginal access streets that is based upon Annual Average Dailey Traffic counts.

SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS

The following language is recommended for **addition** / ~~deletion~~.

**Appendix B - Subdivisions, Article 3. - Configuration**

**Sec. 3.03. Lots.**

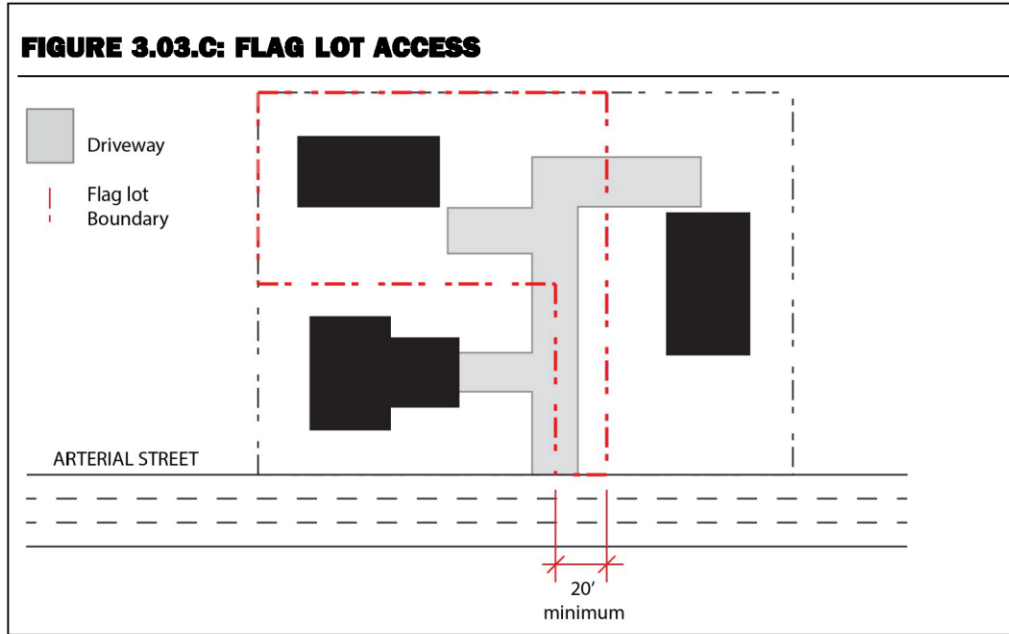
**A. Dimensional requirements.**

**1. Generally.**

- a. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated to allow the lots to meet the standards contained in this ordinance.
- b. A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this ordinance and the zoning ordinance.
- c. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area in accordance with the

- standards of this ordinance.
- d. The area of standing bodies of water shall not be included in determining minimum lot area requirements.
2. **Single-family residential lots.**
    - a. **Within the corporate limits.** Lots intended for single-family residential development within the city's corporate limits shall comply with the minimum dimensional standards for the zoning district where located.
    - b. **Outside the corporate limits.**
      - i. Lots intended for single-family residential development outside the city's corporate limit that are served by both public water and sewage systems shall comply with the minimum dimensional standards for the zoning district where located.
      - ii. Lots intended for single-family development outside the city's corporate limits that are not served by public water or by public sewer shall comply with the applicable dimensional standards in the zoning ordinance.
  3. **Multi-family residential lots.**
    - a. Lots intended for multi-family residential development shall comply with the minimum dimensional standards for the zoning district where located.
    - b. Prior approval from Henderson County Environmental Health must be obtained for lots containing multi-family development that are not served by both public water and sewer.
  4. **Nonresidential and mixed-use lots.** Lots intended for non-residential and mixed-use development shall comply with the minimum dimensional standards for the zoning district where located.
- B. **Side lot lines.**
1. Side lines of lots should be at or near right angles or radial to street lines.
  2. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
- C. **Flag lots.** New flag lots may be established, subject to the following requirements:
1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
  2. New flag lots may be established along an expressway or boulevard street only in cases where access to the street is shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
  3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet.
  4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.





**D. Double or reverse frontage lots.**

1. Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets in section 3.04.C, marginal access streets
2. Double frontage or reverse frontage lots shall require a ~~non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.~~ 25-foot-wide non-access buffer zone from the edge of pavement on the side of the lot abutting the expressway, boulevards, or thoroughfares, or a 12.5-foot-wide non-access buffer zone from the edge of pavement on the side of any local street designated under 3.04 (B).

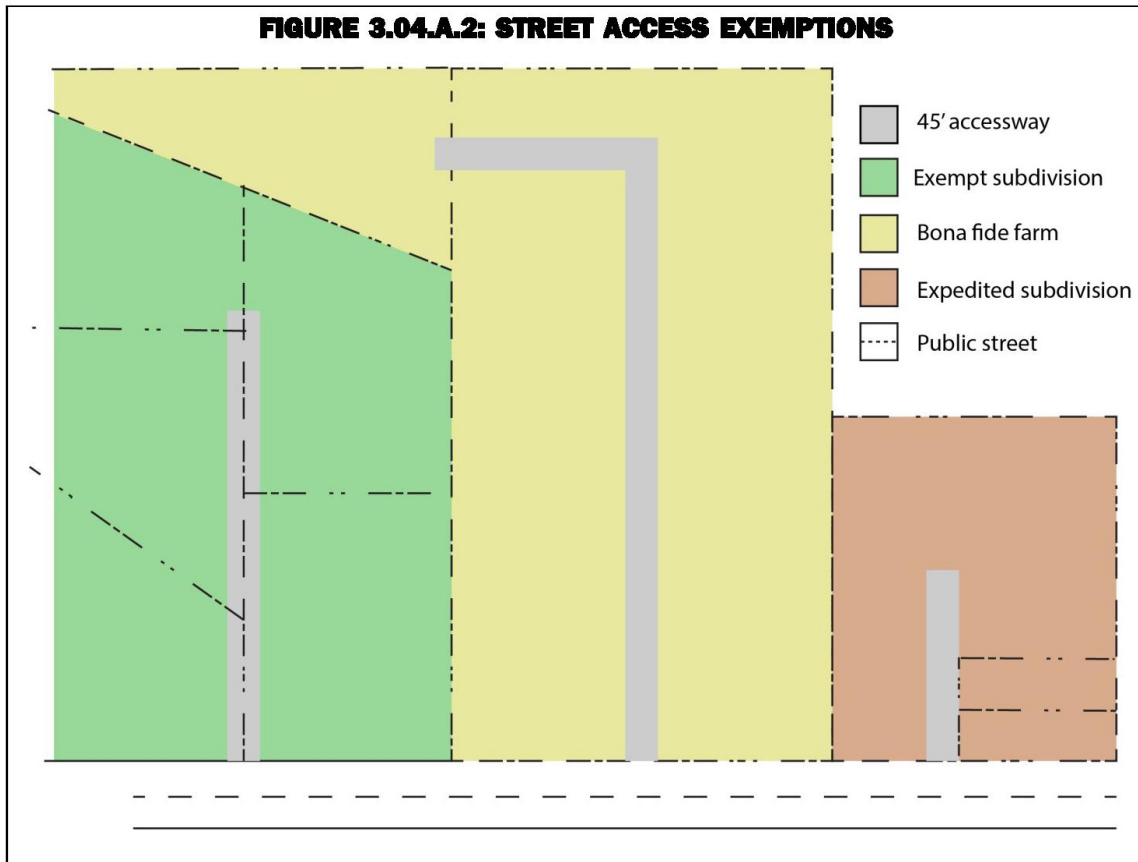
**E. Corner lots.** Corner lots shall be of sufficient size to ensure development may be configured to avoid required sight distance triangles.

**F. Drainage and flood prevention.** New subdivisions shall comply with all applicable requirements for stormwater management (see section 5.01, stormwater management), drainage (see section 5.02, sedimentation and erosion control), and all applicable standards for flood damage prevention from sections 24-31 through 24-117 of the city's Code of Ordinances, when located within a special flood hazard area.

**Sec. 3.04. Access to lots.**

**A. Every lot must maintain access.**

1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.
2. **Street access exemptions.**
  - a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:
    - i. Up to three lots in an expedited subdivision; or
    - ii. Up to three lots without roadway frontage that are served by a single, shared accessway.
  - b. Any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

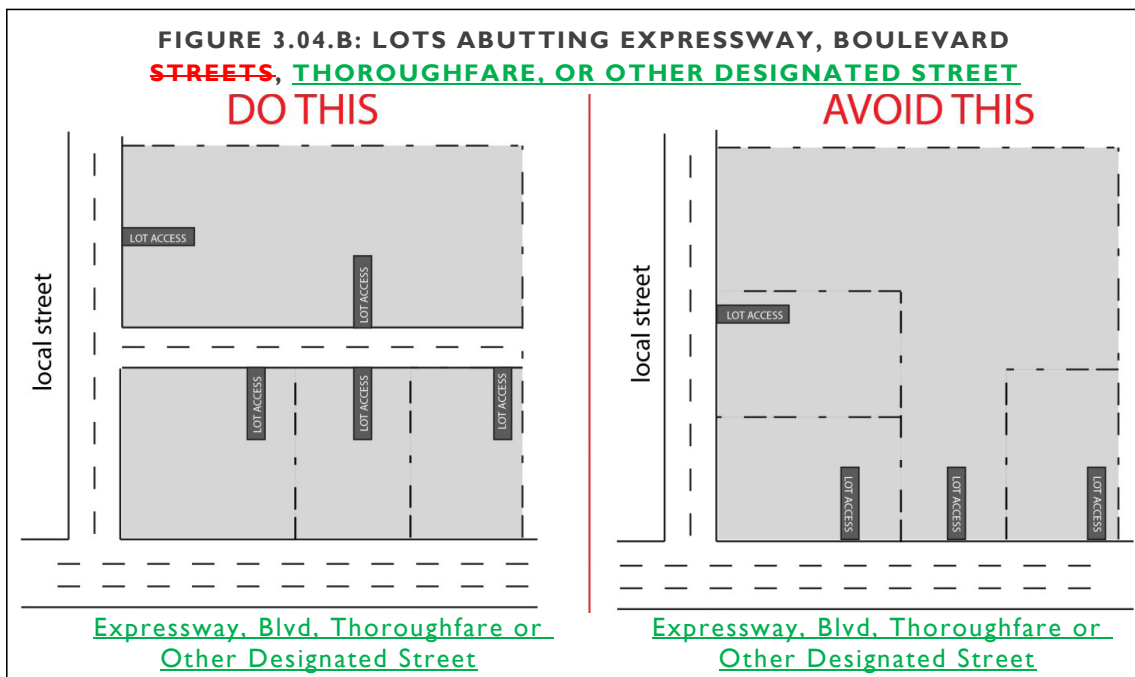


3. **Access serving more than three lots.** Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.

**B. Access on lots abutting expressways, ~~or boulevards~~ streets, thoroughfares, or other designated streets.**

1. For this section, the term “other designated street” refers to pre-existing local streets that are reclassified to a greater street classification to achieve the objectives of Sec. 3.04 D. and/or due to anticipated needs such as access control, congestion management and improved walkability/bikeability. Where the AADT of a street or street segment is in excess of 300 AADT, the City Manager may reclassify a street in order to require access from a marginal access street (new street or alley) and allow for the creation of double frontage lots. All new subdivisions fronting a reclassified street or street segment must adhere to the provisions below.

1. ~~2.~~ In cases where a tract or site abutting an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~ is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or alley,~~ either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, ~~or~~ boulevard ~~streets, thoroughfares, or other designated street~~ (see Figure 3.04.B, Lots Abutting expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~).
3. Where a tract of land to be subdivided adjoins an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other street as designated by the City Manager,~~ the subdivider may be required to provide a marginal access street parallel to the expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated streets~~ ~~or reverse frontage~~ where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, ~~or~~ boulevard ~~streets, thoroughfares, or other designated streets~~.
- ~~2.~~ 4. The final plat creating the subdivision shall indicate a notation that driveway access to an expressway, ~~or~~ boulevard ~~streets, thoroughfare, or other designated street~~ is limited and shall be provided by a different street ~~or alley~~.
- ~~3.~~ 5. In the event a site or tract is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with section 2.04.J, subdivision variance.



~~C.~~ **Marginal access streets.**

- ~~1.~~ Where a tract of land to be subdivided adjoins an expressway, ~~or~~ boulevard ~~streets,~~ the subdivider may be required to provide a marginal access street parallel to the expressway, ~~or~~ boulevard ~~streets~~ ~~or reverse frontage~~ where access is obtained solely by a different street for the lots to be developed adjacent to the expressway, ~~or~~ boulevard ~~streets~~.
- ~~2.~~ Where reverse frontage is established, private driveways shall not have direct access to expressway, ~~or~~ boulevard ~~streets,~~ and a 25-foot-wide non-access buffer zone on the side of the lot abutting the expressway, ~~or~~ boulevard ~~streets, thoroughfares, or other designated streets~~ shall be provided.

~~D.~~ **C. Driveway consolidation along expressway, boulevard, and thoroughfare streets thoroughfares, or other designated streets.**

While a lawfully established access to an individual lot from an expressway, boulevard, ~~or thoroughfare street~~ ~~thoroughfare, or other street as designated by the City Manager~~ created prior to March 5, 2020 may remain, it is the intent of this ordinance to consolidate or eliminate these driveways to help ensure public safety and to preserve the traffic-carrying capacity of the street. In order to encourage the beneficial removal of existing driveways or shared driveways serving two or more lots, the required side setbacks and any perimeter landscaping buffers required between lots may be reduced by up to ten percent by the City Manager, if all of the following requirements are met:

1. NCDOT confirms the shared access can still achieve a satisfactory level of access control;

2. A cross-access easement between all parties sharing access is approved by the City Manager and recorded with the Henderson County Register of Deeds;
3. All Fire Code regulations are met;
4. Adequate utility and drainage easements are provided, if necessary; and
5. Minimum side setbacks or perimeter landscaping buffer requirements are reduced by the smallest amount necessary to accommodate the shared access.

**Sec. 4.03. Streets.**

**A. Generally.**

1. **Streets distinguished.** All streets, roads, and alleys within the city's planning jurisdiction shall be designated as one of the following street types, based on maintenance responsibility:
  - a. State-maintained, or NCDOT streets (this includes roadways in the federal highway system);
  - b. City streets that will be owned, maintained or operated by the City of Hendersonville; or
  - c. Private streets that will be owned and maintained by individuals or owner associations.
2. **Types of streets.**
  - a. **Public streets.** Streets that are owned, operated, or maintained by the NCDOT, the city, or the federal government shall be considered as public streets.
  - b. **Private streets.** Streets that are owned, operated, or maintained by an individual or an owner's association shall be considered private streets.
3. **Street classification.**
  - a. All new and existing streets in the city's planning jurisdiction shall be identified in the city's adopted policy guidance, or can be stipulated based on guidance in Sec. 3.04 B. as one of the following street classifications:

TABLE 4.03.3: STREET CLASSIFICATION	
STREET TYPE	DESCRIPTION
Freeway	Freeways are the highest classification of streets and are designed and constructed with mobility and long-distance travel in mind. Access is controlled, intersections are grade-separated, driveways serving individual lots are prohibited, and roadways are designed for high-speed travel of 55 mph or greater. Roadways in this functional classification category connect the city to other destinations in the state and connect major activity centers in the city to one another. Freeways carry the highest traffic volumes.
Expressway	These streets provide a high degree of mobility both within the city's urban areas as well as through neighboring rural areas. Vehicles move at high-to-moderate speeds and four-way intersections are often signal-controlled. These streets include at-grade intersections with other streets typically spaced 2,000 feet apart, but driveways to individual lots are typically limited to right-in/right-out or grade separated left turns. The average number of vehicles trips can vary widely based on the urban or rural location of an expressway.
Boulevards	Boulevards connect major streets to one another and provide for vehicle trips of moderate length at medium speeds. The road is typically two or more lanes with a median with median breaks provided for U-turns. Full-movement driveways may be provided when alternative forms of access are not available.
Major Thoroughfare	Major thoroughfares provide a balance of mobility and access with moderate traffic volumes and low-to-medium speeds between 25 and 55 mph. Streets may be up to four lanes wide with no median and no requirements for access control. Access management may

	be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Minor Thoroughfare	Minor thoroughfares provide balanced mobility and access with moderate traffic volumes and lot-to-medium design speeds of up to 45 mph. Streets may have up to three lanes with no more than one lane per direction. Access management may be provided in the form of continuous left turn lanes, shared driveways, full movement driveways are permitted on two-lane streets with a center turn lane. Cross-parcel connectivity between adjacent lots is strongly encouraged.
Local	Local streets occupy the largest percentage of lane miles across all types of streets and primarily provide direct access to individual lots. Local streets are often configured to discourage through traffic, though local streets can also effectively disperse local traffic when configured as part of a highly connected network offering multiple routes.
Cul-de-Sac	A dead-end local street that terminates in a vehicular turnaround.
Alley	A secondary street that provides direct access to a limited number of individual lots or land uses. In most cases, access is provided to the side or rear of the lot served by the alley.

- b. Nothing shall prohibit a change in street classification based on traffic volumes or anticipated needs.
- c. In no instance shall a private street be classified as a freeway, expressway, boulevard, or thoroughfare street.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – August 20<sup>th</sup>, 2024

The Legislative Committee reviewed this subdivision text amendment. Planning Board members Donna Waters, Bob Johnson, and Jim Robertson were present for the meeting. Staff discussed the nature of the text amendment and the reasoning behind the changes. All members of the Legislative Committee voiced support of the changes. The only recommendations that were made were related to clarifying the role the Community Development Director in making changes (has since been removed from the ordinance), as well as clarifying which street building entrances should front onto. No formal vote was taken by the committee.

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
<p>1) ADOPTED PLAN CONSISTENCY</p>	<p><b><u>GEN H FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Designation:</b> N/A  <b>Character Area Description:</b> N/A  <b>Zoning Crosswalk:</b> N/A  <b>Focus Area Map:</b> N/A</p>
	<p><b><u>2018 BICYCLE PLAN</u></b>  The 2018 Bicycle Plan calls for the City to regularly update local street design standards to reflect national best practices and to regularly update the City’s traffic calming policies. These two recommendations go hand-in-hand with the provisions for marginal access streets that would result in double frontage lots for infill development.</p>
	<p><b><u>2023 WALK HENDO PEDESTRIAN PLAN</u></b>  The Walk Hendo Plan’s recommendations on policies makes reference to the City needing to develop street typologies to support a variety of residential uses. The Plan goes on to say:  <i>People who walk need community design features that support walking. A city’s zoning and other land use regulations / planning documents are some of the most effective tools a community can use to promote community walkability and many communities intentionally use zoning [and subdivision] regulations to foster walkable communities. While weighing future land use and policy options during the Gen H process, Hendersonville can consider how to code pedestrian environment elements into their regulatory codes.</i>  In particular, the focus of walkability in and around downtown Hendersonville is a key consideration.</p>
	<p><b><u>LEGISLATIVE COMMITTEE RECOMMENDATION</u></b>  The Legislative Committee reviewed the proposed changes at their meeting on August 20<sup>th</sup>. At the time of the meeting a simplified version was presented. The staff recommendations have since evolved to include more quantifiable triggers.</p>
<p>2) COMPATIBILITY</p>	<p><b><u>EXISTING CONDITIONS</u></b>  The revision of the Subdivision Ordinance assists in promoting the preservation of existing streets because it deters subdivisions from creating additional curb cuts and driveways along the street. Instead, it promotes the creation of a new marginal access streets.</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> N/A  <b>Healthy and Accessible Natural Environment:</b> N/A  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent</p>



	<p><b>Satisfying Work Opportunities:</b> N/A  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p>
	<p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)  <b>Mix of Uses:</b> N/A  <b>Compact Development:</b> Consistent  <b>Sense of Place:</b> N/A  <b>Conserved &amp; Integrated Open Spaces:</b> N/A  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> N/A</p>
<p><b>3) Changed Conditions</b></p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p>
	<p>As the City continues to develop, there are more opportunities for subdivisions to occur that may result in double frontage lots. The aim of this ordinance revision is to allow these subdivisions to occur but manage the access to these lots in an appropriate way so that existing streets are not negatively impacted.</p>
<p><b>4) Public Interest</b></p>	<p><b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b></p>
	<p>The proposed text amendment will allow the City to require marginal access streets in more subdivisions, thereby reducing the number of driveways entering onto existing roadways throughout the City. Creating marginal access streets is best practice to avoid traffic collisions, and car/cyclist/pedestrian collisions.</p>
<p><b>5) Public Facilities</b></p>	<p><b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b></p>
	<p>This amendment will assist with removing the possibility of encroachment into sidewalks by driveways, thereby mitigating the negative impacts on the public by lessening the possibility of accidents.</p>
<p><b>6) Effect on Natural Environment</b></p>	<p><b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b></p>
	<p>There are not any direct connections between this text amendment and the environment/ natural resources. However, even if subdivided, the subject properties will have to meet any applicable zoning, natural resource, stormwater, floodplain, etc. requirements.</p>

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville Gen H 2045 Comprehensive Plan, 2018 Bicycle Plan and 2023 Walk Hendo Pedestrian Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the City's adopted plan's policy guidance to promote vibrant neighborhoods, create compact development, establish connectivity and improve walkability/bikeability throughout the community.*

We [find/do not find] this proposed subdivision text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rationale for Approval]*

- The proposed text amendment creates flexibility for property owners while still limiting potential impacts to the greater community which include congestion management through driveway consolidation and reduction of conflict point for pedestrians, cyclists and vehicles.*
- The proposed text amendment expands the number of streets that will allow double frontage lots, while also imposing more requirements to ensure that these lots do not negatively impact the community.*
- The proposed text amendment will assist in redeveloping smaller lots in areas targeted for infill.*

*DRAFT [Rational for Denial]*

- The proposed text amendment would cause an undue burden on the developments through requirements to establish a marginal access street.*
- The proposed text amendment will not sufficiently address the impact on the greater community established through a double frontage lot.*

<b>Chapter 4 - The Vision for the Future</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>SUPPLY, SUITABILITY, &amp; INTENSITY</b>		
<b>LAND SUPPLY MAP (Pg. 81, Figure 4.4)</b>	NA	
<b>LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)</b>	NA	
<b>DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)</b>	NA	
<b>FUTURE LAND USE &amp; CONSERVATION MAP</b>		
<b>Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)</b>	<b>NA</b>	
Character Area Description (Pg. 122-131)	NA	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	NA	
<b>Focus Area Map (Pg. 134-159)</b>	NA	NA

<b>Chapter 4 - The Vision for the Future</b>	<b>Consistent</b>
<b>GOALS</b>	
VIBRANT NEIGHBORHOODS (Pg. 93)	
Promote lively neighborhoods that increase local safety.	Consistent
Enable well-maintained homes, streets, and public spaces.	Consistent
Promote diversity of ages (stage of life), income levels, and a range of interests.	NA
The design allows people to connect to nearby destinations, amenities, and services.	Consistent
Abundant Housing Choices (Pg. 93)	
Housing provided meets the need of current and future residents.	NA
Range of housing types provided to help maintain affordability in Hendersonville.	NA
Housing condition/quality exceeds minimum standards citywide	NA
Healthy and Accessible Natural Environment (Pg. 94)	
Recreational (active and passive) open spaces are incorporated into the development.	Consistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	NA
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	NA
Development is compact (infill/redevelopment) to minimize the ecological footprint.	NA
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	NA
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	Consistent
A development near a gateway sets the tone, presenting the image/brand of the community.	NA
Historic preservation is utilized to maintain the city's identity.	
A development is considered a quality development that preserves the city center or neighborhood.	NA
Safe Streets and Trails (Pg. 95)	
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent
Design embraces the principles of walkable development.	Consistent
Reliable & Accessible Utility Services	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent
Satisfying Work Opportunities (pg. 96)	
The development promotes quality job options.	NA
Welcoming & Inclusive Community	

Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	N/A
Resilient Community	
N/A	
<b>GUIDING PRINCIPALS (pg. 98)</b>	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	NA
New business and office space promotes creative hubs.	NA
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent
The infill project is context sensitive.	NA
Sense of Place (Pg. 102)	
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements.	NA
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	NA
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	Consistent
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	Consistent
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	NA







Section 5, Item C.

**Entry #:** 4 - 7/15/2024

**Status:** Submitted

**Submitted:** 7/15/2024 5:17 PM

**Date:**  
7/15/2024

**Section of Ordinance proposed to be changed:**  
Appendix B: Subdivisions, Sec 3.03(D)

**Proposed change:**

An additional #3 to Appendix B: Subdivisions, Section 3.03(D):

A waiver of the requirements outlined in this section (including section 3.04.C), including the 25-foot buffer requirement, may be granted if the plan provides equivalent or superior aesthetic and functional benefits, including the reduction of the number of driveways on the City's Main Roadways (Gateway, Expressway, Freeway, Boulevard, or Thoroughfare).

**Reason for change:**

This issue of reverse or double frontage lots, according to Planning Staff, is recurring in preliminary site planning discussions. This text amendment offers a common-sense change that allows for more urban site design options while aligning with NCDOT requirements.

**Applicant Name:**

Zachary Grogan

**Address**

31 Wade Hampton Blvd, Greenville, South Carolina 29609

**Phone**

(813) 240-1223

**Email**

zg@magnoliapropertygroup.com

**Fax Number:**

N/A

**Signature**



**Official Use:**

**Date Received:**

**Received By:**

**Fee Received:**

**Section 11-4 Standards.** The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

**a) Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.**

This text amendment aligns with the Comprehensive Plan and will allow for more functional and aesthetic developments.

**b) Compatibility with surrounding uses. Whether and to the extent which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.**

This is a design element for future subdivisions, compatibility with surrounding uses is addressed in other areas of the code.

**c) Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.**

The City recognizes that the area is constrained due to topography, wetlands and utility availability. This text amendment allows for more efficient use of available land and improved safety.

**d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.**

This text amendment makes available a site designs which are logical, orderly a benefit to the surrounding neighborhood.

**e) Public facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.**

This is a design element for future subdivisions, utility verification is addressed in other areas of the code.

**f) Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, stormwater management, streams, vegetation, wetlands and wildlife.**

This is a design element for future subdivisions, impacts to the natural environment is addressed in other areas of the code.



*SUMMARY: The City of Hendersonville has initiated a standard rezoning to address a parcel created by the construction of Bearcat Loop. The parcel still retains the MIC-CZD designation that was applied to the Grace Lutheran Site when a major site amendment was completed in 2009. Originally a part of this larger site, the CZD designation remains, although it is no longer pertinent to this particular parcel.*

*The property is proposed to be rezoned from the current MIC-CZD Medical, Institutional and Cultural Conditional Zoning to the base MIC Medical, Institutional and Cultural district.*

*Development/redevelopment of the 0.05 acre parcel will likely require its recombination with the adjacent 0.79 acre parcel to the north currently zoned MIC. Development standards will remain the same as the underlying zoning district is not proposed to be changed.*

*If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the MIC district would be allowed on the site subject to compliance with all applicable zoning standards. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.*

<b>PROJECT/PETITIONER NUMBER:</b>	P24-65-RZO
<b>PETITIONER NAME:</b>	City of Hendersonville [applicant]
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Staff Report</li><li>2. Draft Ordinance</li><li>3. Proposed Zoning Map</li></ol>

STANDARD REZONING: 6<sup>th</sup> AVE & BEARCAT MIC-CZD to MIC – STAFF INITIATED (P24-65-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY ..... 2

SITE IMAGES..... 3

SITE IMAGES..... **Error! Bookmark not defined.**

SITE IMAGES..... 4

EXISTING ZONING & LAND USE..... **Error! Bookmark not defined.**

FUTURE LAND USE ..... 5

REZONING STANDARDS (ARTICLE 11-4) ..... 6

REZONING STANDARDS ANALYSIS & CONDITIONS ..... 8

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 9





PROJECT SUMMARY

- Project Name & Case #:
  - 6<sup>th</sup> Ave & Bearcat Loop MIC-CZD to MIC (Staff Initiated)
  - P24-65-RZO
  
- Applicant & Property Owner:
  - Stuart & Staci Blatt, Living Trust [Owner]
  
- Property Address:
  - No Address Assigned; Northeast Corner of 6<sup>th</sup> Avenue and Bearcat Loop.
  
- Project Acreage:
  - 0.05 Acres
  
- Parcel Identification (PINS):
  - 9568-39-3793
  
- Current Parcel Zoning:
  - MIC-CZD Medical, Institutional and Cultural-Conditional Zoning District
  
- Proposed Zoning District:
  - MIC - Medical, Institutional and Cultural
  
- Future Land Use Designation:
  - Institutional



SITE VICINITY MAP

*The City of Hendersonville has initiated a standard rezoning to address a parcel created by the construction of Bearcat Loop. The parcel still retains the MIC-CZD designation that was applied to the Grace Lutheran Site when a major site amendment was completed in 2009. Originally a part of this larger site, the CZD designation remains, although it is no longer pertinent to this particular parcel.*

*The property is proposed to be rezoned from the current MIC-CZD Medical, Institutional and Cultural Conditional Zoning to the base MIC Medical, Institutional and Cultural district.*

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SITE IMAGES

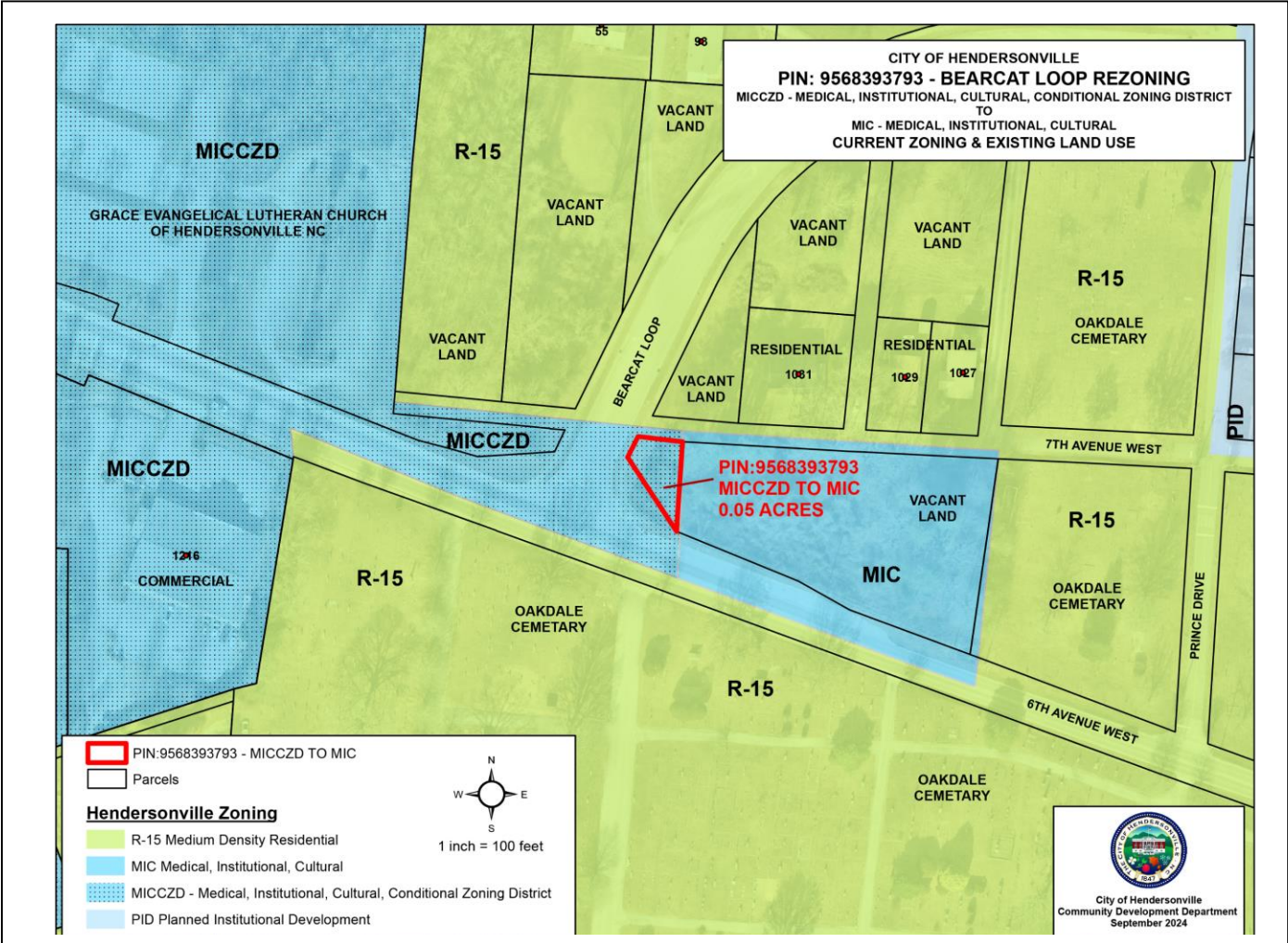


*View from east looking west at corner of 6<sup>th</sup> Avenue and Bearcat Loop*



*View facing north-east along 6<sup>th</sup> Avenue towards Oakdale Cemetery*





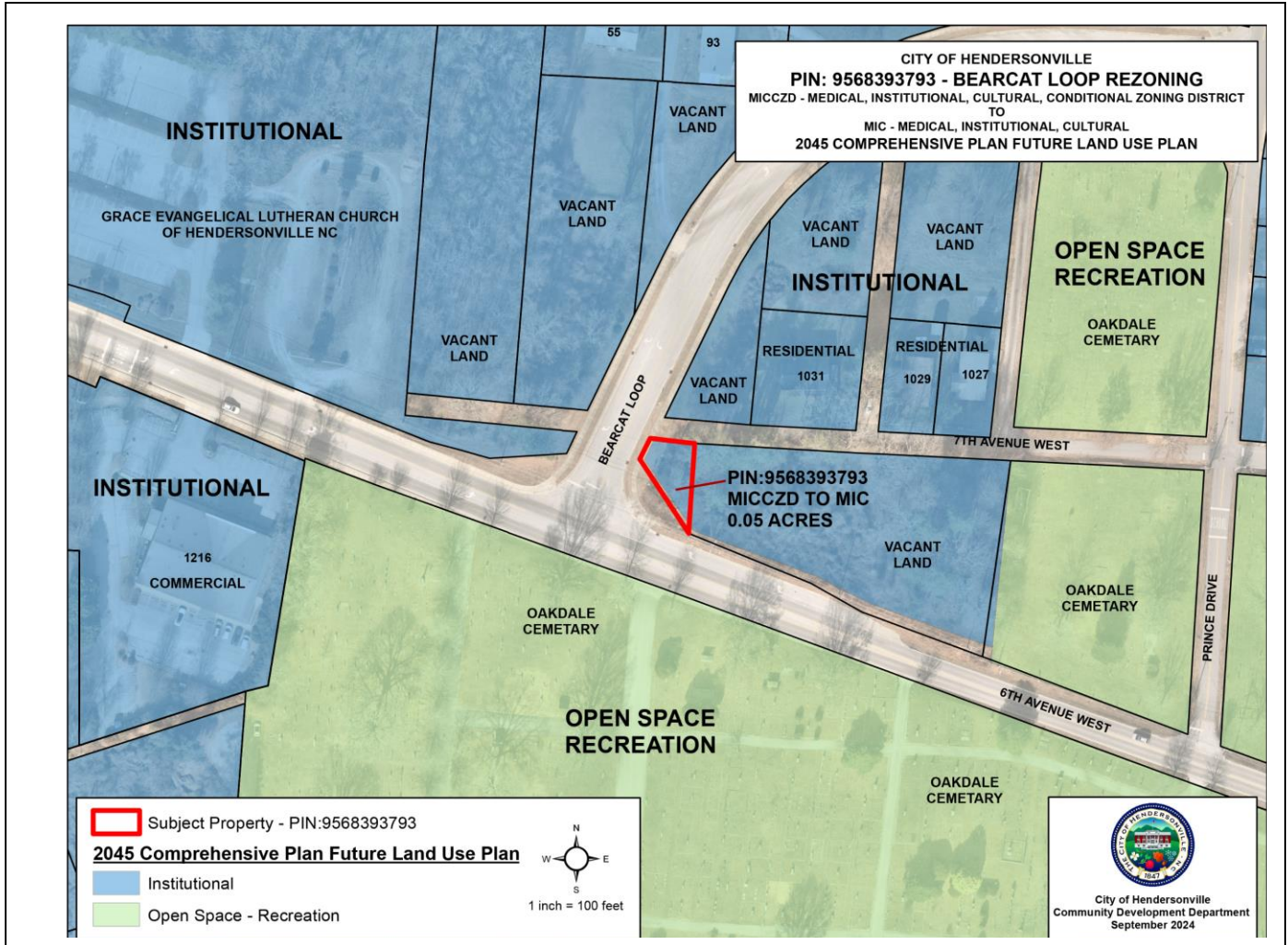
Existing Zoning & Current Land Use Map

The subject property is currently in the municipal limits. The property fronts on 6<sup>th</sup> Avenue with Bearcat Loop immediately to the west and a vacant 0.79 acre lot to the east. There are three residential lots to the north of this adjacent vacant lot. The lot in questions is border on the other three sides by ROW. Land obtained for the turn lane for the vacant lot to the east was swapped with this parcel to accommodate the construction of Bearcat Loop.

Properties to the north are zoned R-15 and include vacant and residential uses. Properties to the south are also zoned R-15 and consist of Oakdale Cemetery. Properties to the immediate west are zoned MIC-CZD and are a part of the Grace Lutheran campus while, as noted the parcel to the east is also zoned MIC and is currently vacant.

The land uses, with institutional mixing with residential is typical of 6<sup>th</sup> Ave as you travel from downtown towards the City Limit at Blythe Street.

FUTURE LAND USE



Future Land Use & Conservation Map

The City’s Gen H 2045 Comprehensive Plan designates the subject property as “Institutional” in the Future Land Use & Conservation Map. The surrounding properties are primarily designated as “Institutional” with Oakdale Cemetery to the east and south being designated Open Space - Recreation. The Character Area description for this area is as follows:

*Institutional areas are a type of mixed-use center with buildings in buildings with multiple stories serving related purposes like education, healthcare, or public facilities such as courthouses and local government offices. Often part of master planned campuses, they may also include restaurants, retail, offices, and multifamily residential units. Institutional areas feature green spaces connected by pedestrian paths, clustered parking, and minimized vehicular access.*



REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b><u>LAND SUPPLY, SUITABILITY &amp; INTENSITY</u></b>                      The subject property is located on a vacant or underutilized property in the Land Supply Map.                      It ranks as suitable for residential development and moderately suitable for commercial development in the Suitability Assessment.                      The subject property is located in an area designated for the second highest level (of 5 levels) for Development Intensity.                      The subject property is not in a Focused Intensity Node.</p>
	<p><b><u>FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Character Area Designation:</b> Institutional  <b>Character Area Description:</b> Consistent  <b>Zoning Crosswalk:</b> Consistent</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p>The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan.</p>
	<p><b><u>EXISTING CONDITIONS</u></b>                      The subject property is a very small remnant parcel that appears to have been a part of a property swap for the right hand turn lane when Bearcat Loop was originally created. The property is vacant.                       The land uses in the area are a variety of commercial, institutional and residential, with properties fronting on 6<sup>th</sup> Avenue primarily consisting of commercial and institutional uses until the Blythe Street intersection. Permitted uses within the MIC zoning district, in addition to existing areas zoned for Medical, Institutional and Cultural in the immediate area suggest this would be provide for compatible future development at this location.</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Consistent  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> Consistent  <b>Satisfying Work Opportunities:</b> Consistent  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> Consistent  <b>Resilient Community:</b> N/A</p>

	<p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)</p> <p><b>Mix of Uses:</b> Consistent</p> <p><b>Compact Development:</b> Consistent</p> <p><b>Sense of Place:</b> Consistent</p> <p><b>Conserved &amp; Integrated Open Spaces:</b> Somewhat Consistent</p> <p><b>Desirable &amp; Affordable Housing:</b> Consistent</p> <p><b>Connectivity:</b> Consistent</p> <p><b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p>
<p>3) Changed Conditions</p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p>The property’s original inclusion in a larger development plan and subsequent removal from that larger parcel require that the remnant parcel be rezoned to allow for future use.</p>
<p>4) Public Interest</p>	<p><b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b></p> <p>Existing underlying zoning is Medical, Institutional and Cultural. Application of these same zoning requirements would occur with any future development. The parcel will be unusable and remain vacant along a key entry corridor otherwise.</p>
<p>5) Public Facilities</p>	<p><b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b></p> <p>The subject property will be served by City of Hendersonville services. Adequate utility access and infrastructure is available.</p>
<p>6) Effect on Natural Environment</p>	<p><b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b></p> <p>There is no immediate development proposed on the subject property. Existing vegetation on the site would be subject to City of Hendersonville landscaping ordinance requirements as applicable. The subject parcel is too small on its own to trigger these requirements.</p>



REZONING STANDARDS ANALYSIS & CONDITIONS**Staff Analysis**

- 1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
- 2) Compatibility - The MIC Zoning District permitted mix of uses and development standards support the goals and guiding principles and design guidelines outlined in the City's Gen H Comprehensive Plan. Staff finds that the general location of the rezoning and the mix of land uses in vicinity to it are compatible with the city's overall growth strategies.
- 3) Changed Conditions – The removal of the parcel in question from a direct connection with the original Conditional Zoning Site Plan necessitates the rezones.
- 4) Public Interest - Staff finds that the opportunities for additional economic development will complement the 6<sup>th</sup> Avenue corridor.
- 5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure.
- 6) Effect on Natural Environment – Future development will have to comply with all relevant environmentally relevant zoning standards.

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The proposed zoning district, Medical, Institutional and Cultural (MIC), aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Institutional'.*

We **[find/do not 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:

*DRAFT [Rationale for Approval]*

- The zoning standards for this parcel do not change with the removal of the Conditional Zoning District designation.*
- The permitted uses and development standards of the MIC zoning aligns with existing character of the 6<sup>th</sup> Avenue corridor.*
- The rezoning allows for a diminutive vacant parcel to be used in combination with surrounding MIC parcels in a productive fashion.*

*DRAFT [Rational for Denial] - Staff are not recommending any rational for denial at this time.*

Ordinance # \_\_\_\_ - \_\_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9568-39-3793) BY CHANGING THE ZONING DESIGNATION FROM MIC-CZD MEDICAL, INSTITUTIONAL AND CULTURAL-CONDITIONAL ZONING DISTRICT, TO MIC MEDICAL, INSTITUTIONAL AND CULTURAL**

IN RE: Parcel Numbers: 9568-39-3793 | File # P24-65-RZO

**WHEREAS**, the Planning Board took up this application at its regular meeting on September 12<sup>th</sup>, 2024; voting [redacted] to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on October 3<sup>rd</sup>, 2024, and

**WHEREAS**, City Council has found that this zoning map amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 3<sup>rd</sup>, 2024,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-39-3793 By Changing the zoning designation from MIC-CZD Medical, Institutional and Cultural-Conditional Zoning District, to MIC Medical, Institutional and Cultural
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3<sup>rd</sup> day of October 2024.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Jill Murray, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney