



# CITY OF HENDERSONVILLE DOWNTOWN ADVISORY BOARD

Downtown Program Office | 125 Fifth Avenue West, Suite 200 | Hendersonville NC  
28792



Tuesday, November 09, 2021 – 4:00 PM

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## AGENDA

1. **CALL TO ORDER**

2. **PUBLIC INPUT**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF MINUTES**

[A.](#) October 2021 Downtown Advisory Board Minutes

5. **OLD BUSINESS**

6. **NEW BUSINESS**

**A. Review several event updates:**

1. Animals at events ordinance
2. Future event fee schedule changes
3. Apple Festival Merchant Feedback

[B.](#) **Private Club Text Amendment**

Economic Vitality Team met with Matt Manley, planning manager, on Tuesday 11/2 and reviewed updates. The discussion will be held at the planning board meeting on Monday 11/8. Updates will be provided to Downtown Advisory Board following the planning board meeting on Monday.

**C. Downtown Workplan & Budget**

Review of workplan from this year with budget planning discussion for next year.

7. **OTHER BUSINESS**

8. **ADJOURNMENT**

*The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an*

*accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.*



# CITY OF HENDERSONVILLE DOWNTOWN ADVISORY BOARD

Downtown Program Office | 125 Fifth Avenue West, Suite 200 | Hendersonville NC 28792

Tuesday, October 12, 2021 – 4:00 PM



## MINUTES

### 1. CALL TO ORDER

In attendance virtually: Caroline Gunther, Jared Bellmund, Matthew Hickman, Becky Ayers, Juls Buckman, Patsy DuPre, John Ryan, Lyndsey Simpson, Mark Pavao joined at a later start time.

In attendance in person: Jerry Fitzgerald

Absent: Carole Sitzler, Matt Johnes, Chris Cormier, Shaqualla Wilkes (had been appointed a few days prior)

Guests: Dennis Dunlap, Lyle Chariff, JJ Kilpatrick, Fred Nace, Michelle Owens

Staff present: Jamie Carpenter, Lew Holloway, Meredith Friedheim, Tasha Roby

### 2. PUBLIC COMMENT

### 3. APPROVAL OF AGENDA

Jared Bellmund made a motion to approve. Becky Ayers seconded.

Matthew Hickman, Jerry Fitzgerald, Becky Ayers, Juls Buckman, Jared Bellmund, Patsy DuPre, John Ryan, Caroline Gunther approved.

### 4. APPROVAL OF MINUTES

#### 1. Approval of September 2021 Downtown Advisory Board Minutes

Jared Bellmund made a motion to approve. Matthew Hickman seconded.

Matthew Hickman, Jerry Fitzgerald, Becky Ayers, Juls Buckman, Jared Bellmund, Patsy DuPre, John Ryan, Caroline Gunther approved.

### 5. NEW BUSINESS

#### 1. 317 & 317 7th Avenue E Façade Grants

Proposal for updates on 317 and 319 7th Avenue E

We currently have used all 7th Avenue facade grant funds, however since we can make a budget adjustment.

These buildings will also receive a credit for new awnings as a part of the 7th Avenue Streetscape (quote for awning replacement included).

The Community Character Team voted to recommend the Downtown Advisory Board request a budget amendment of \$5000 from the 7th Avenue Fund Balance to support this Façade Grant.

Dennis Dunlap and Lyle Chariff spoke regarding the grant proposal. The Community Character team reviewed but requested more detailed quote. The 7th Avenue facade grant budget has already been spent for this year, however it can be pulled from the fund balance. The Community Character team made the recommendation to pull that from the fund balance.

Carpenter also noted the City will be funding an awning removal and replacement as a part of the 7th Avenue Streetscape. The awnings needed to be removed as a part of the sidewalk updates.

Dunlap reviewed the building and historic photos of the building and the work to be done.

M. Hickman said the scope of the project is extensive and this is a proper restoration of the building. Something we should all support. Matthew made a motion to recommend to city council to make a budget amendment to support this project. Becky Ayers seconded.

Matthew Hickman, Jerry Fitzgerald, Becky Ayers, Juls Buckman, Jared Bellmund, Patsy DuPre, John Ryan, Caroline Gunther approved.

## 2. Downtown Advisory Board TDA Appointment

Michelle Owens, new executive director of TDA board joined the call. Carpenter was appointed to the TDA board earlier this year but after TDA investigated the TDA legislation, it is required that members are registered voters in Henderson County. Carpenter does not live in Henderson County and therefore cannot be a voting member. Staff is considering a downtown advisory board member to be the city's appointment rather than city staff.

Michelle Owens spoke to the legislation of the board and board makeup. Visithendersonvillenc.org has a new "Governance" page that has board information. The board meetings are once per month, 1pm. Owens noted that the TDA will continue to work closely with Downtown and City Staff.

Jared Bellmund asked about the terms. The appointment is a 5 year term. Carpenter's term was at the beginning of a 5 year term.

Lew Holloway noted that this spot has typically been a city staff person. Lew served 5 years, Brian Pahle served 5 years. After conversations with Michelle and others involved, appointing a downtown advisory board member this seems like a good route.

## 6. OLD BUSINESS

### 1. 7th Avenue Streetscape Update

Lew Holloway updated on 7th Avenue Streetscape. Bid package is out. City issued an addendum earlier last week to extend the bid opening. The opening was scheduled for 10/12, no prequalified bidders submitted bids. Feedback from bidders were that they were too busy

and staff was unsure if we would have bids. Timeline extended to November 15 and staff are reviewing other aspects of project.

The process: if the city does not receive 3 bids they cannot open the bids and must rebid. If they do not receive 3 in the second round they can open a smaller number of bids at a later date.

Staff has been working with property owners. Some conversations related to easements for sidewalk.

JJ Kilpatrick was introduced - a property owner on 7th Avenue. He is concerned about the loss of the parking spots in front of his building. In his opinion, the reduction and bump outs will cause significant issues and parking loss. If the bump out is eliminated there would be several additional parking spots while keeping the wider proposed sidewalks.

C. Gunther asked about gain/loss of parking spots. L. Holloway noted its a net loss of 5 parking spaces over the entire project area. JJ's building is at intersection of Locust and 7th Avenue.

## **7. OTHER BUSINESS / STAFF UPDATES**

### **A) Downtown Events Update**

### **B) Project update: Sidewalk Mural, Pivot Grants, Employee Training Program**

Meredith Friedheim updated on events. Final countdown to the bear auction. As of meeting time we are at \$72,600. Last year at this time at \$40,000.

J. Carpenter updated on sidewalks. Paint days will continue going forward.

Pivot Grant applications have been updated. Businesses can apply for up to \$2500.

No updates on employee training at this time.

Parking garage update - construction scheduled to begin January 1 2022 and complete January 1 2023

Other business:

Lyndsey Simpson updated that council appointed Shaquala Wilkes who owns Kweens Korner on 7th Avenue. She will be joining the board and has been contacted by staff.

Matthew Hickman noted that going forward we will probably be hearing more from business/property owners with concern on the streetscape and the operation of their business. We should expect to hear from other parties about the streetscape harming their business.

Hickman noted that there is an overall vision for the district that is changing some of the business needs and accommodations. Would like to continue targeted parking projects and work with property owners on current available parking. Matthew also asked about parking and how it will be enforced on 7th Avenue. This will be discussed for the economic vitality team.

## **8. ADJOURNMENT**

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# Text Amendment for Private Clubs - Supplementary Standards [P21-58-ZTA]

## CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

### Staff Report Contents

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## SUMMARY OF TEXT AMENDMENT

The City is in receipt of a Zoning Text Amendment application from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius supplementary standard associated with Private Clubs.

This proposal was reviewed by the Planning Board's Legislative Committee on October 21.

Currently, the Zoning Code's Supplementary Standards for Private Clubs are as follows:

### **16-4-20 Private Clubs.**

- a) No private club shall be located within a 600-foot radius of another private club.
- b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

Currently Private Clubs are listed as a Special Use (SU) in the C-1, C-2, C-3, CMU, I-1, and PMD-CZD Zoning Districts. It is also listed as a "limited" use under our Urban Residential Conditional Zoning District.

| USE                                     | R-40 | R-20 | R-15 | R-10 | R-6 | PRDCZD | PMHCZD | RCT | MIC | C-1 | C-2 | C-3 | C-4 | CMU | PCDCZD | I-1 | PMDCCZD | PIDCZD | GHMU | HMU | UVCZD | URCZD | CHMU |
|-----------------------------------------|------|------|------|------|-----|--------|--------|-----|-----|-----|-----|-----|-----|-----|--------|-----|---------|--------|------|-----|-------|-------|------|
| Planned residential development (major) | -    | -    | -    | -    | -   | P      | -      | -   | -   | -   | -   | -   | -   | -   | -      | -   | -       | -      | -    | -   | -     | -     | -    |
| Private clubs                           | -    | -    | -    | -    | -   | -      | -      | -   | -   | SU  | SU  | SU  | -   | SU  | -      | SU  | P       | -      | -    | -   | -     | L     | -    |

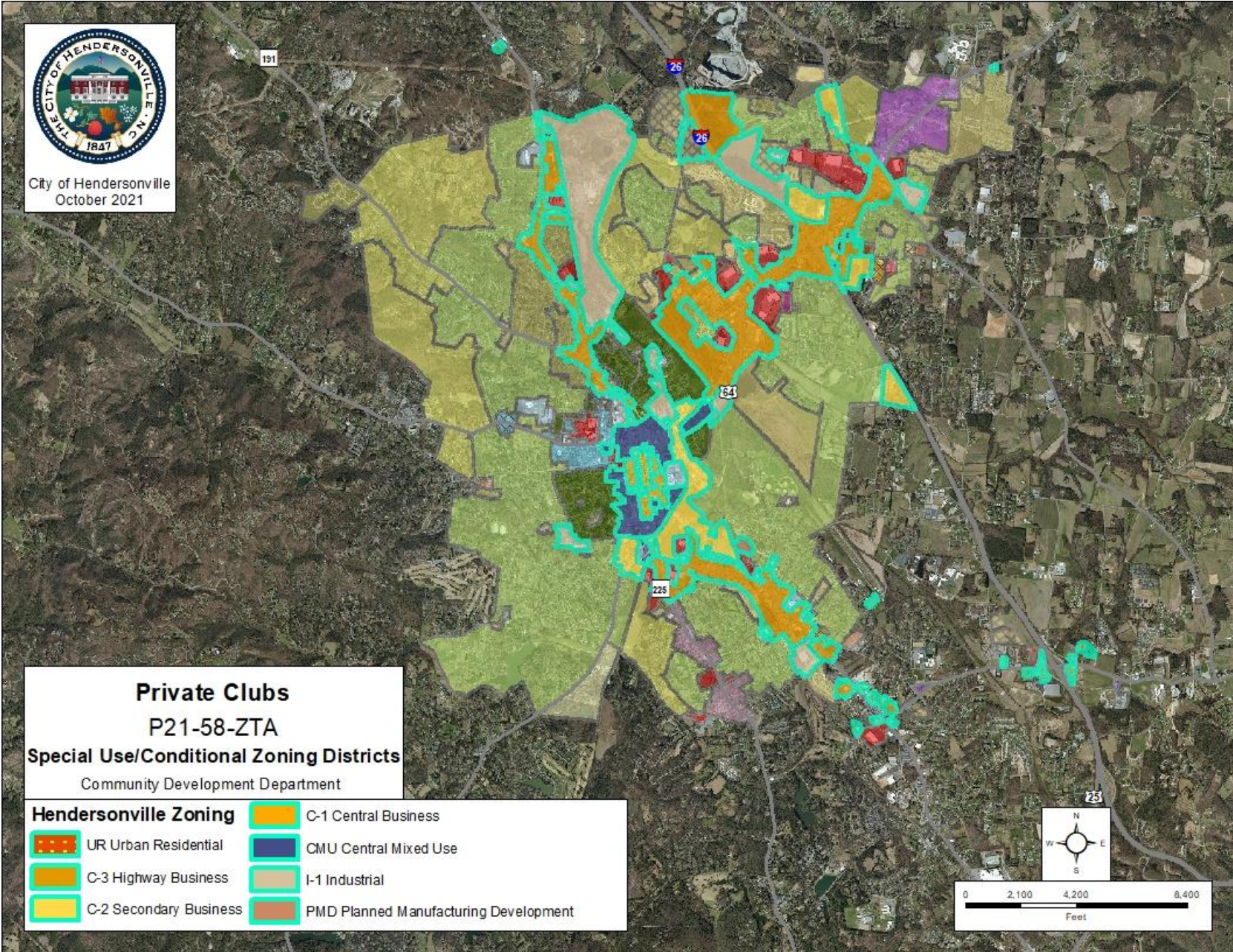
Private Clubs are defined as follows:

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

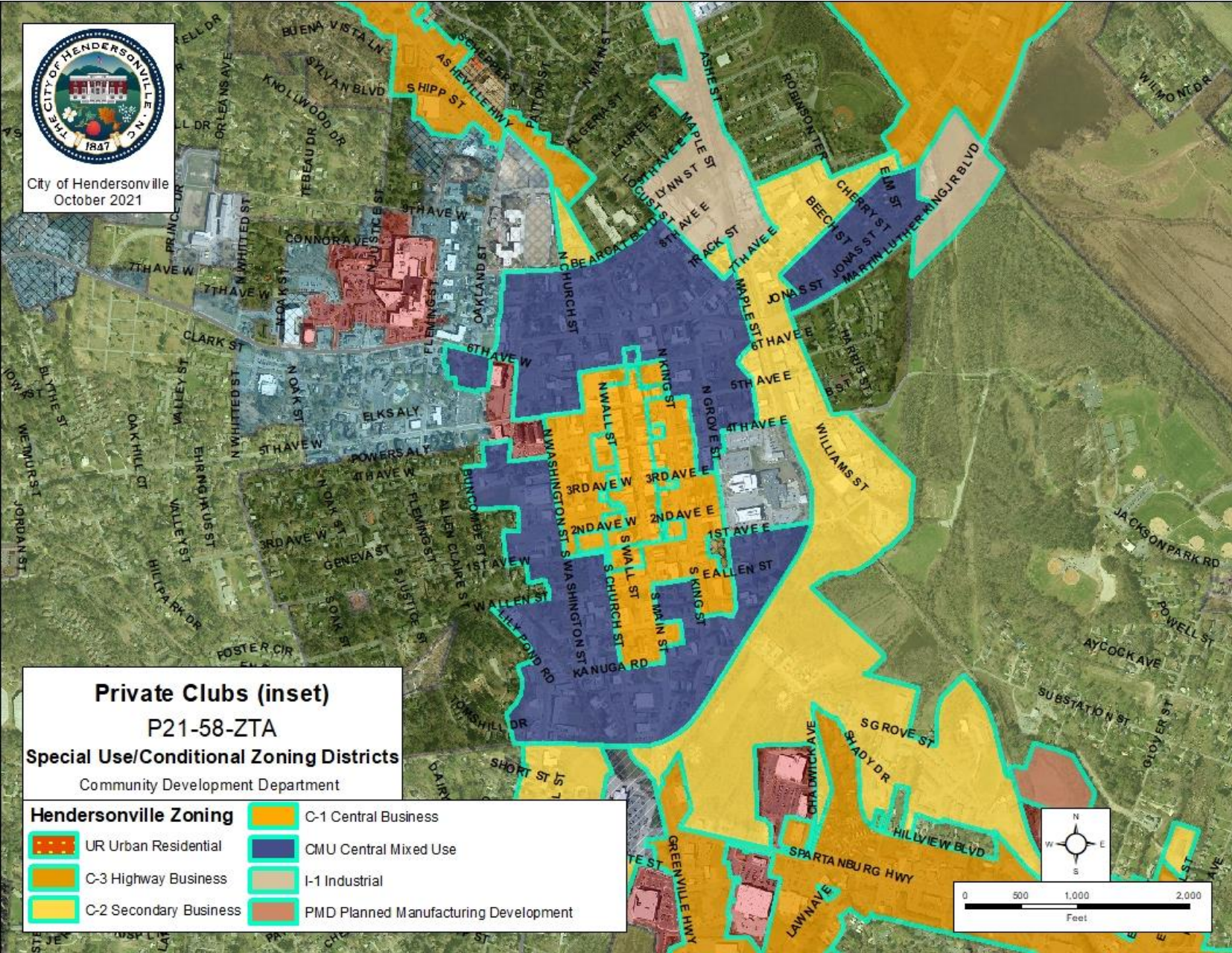
The NC State ABC regulates Private Clubs across the state. There are currently four Private Clubs licensed in Hendersonville:

1. Tobacco Merchant – 129 4<sup>th</sup> Avenue West – approved 7/9/19
2. Southern Appalachian Brewery – 822 Locust Street – approved 10/26/10
3. Jeff Grier (axe throwing) – 218 Duncan Hill Road – approved 8/14/18
4. The Brandy Bar – 504 7<sup>th</sup> Avenue East – approved 12/18/17

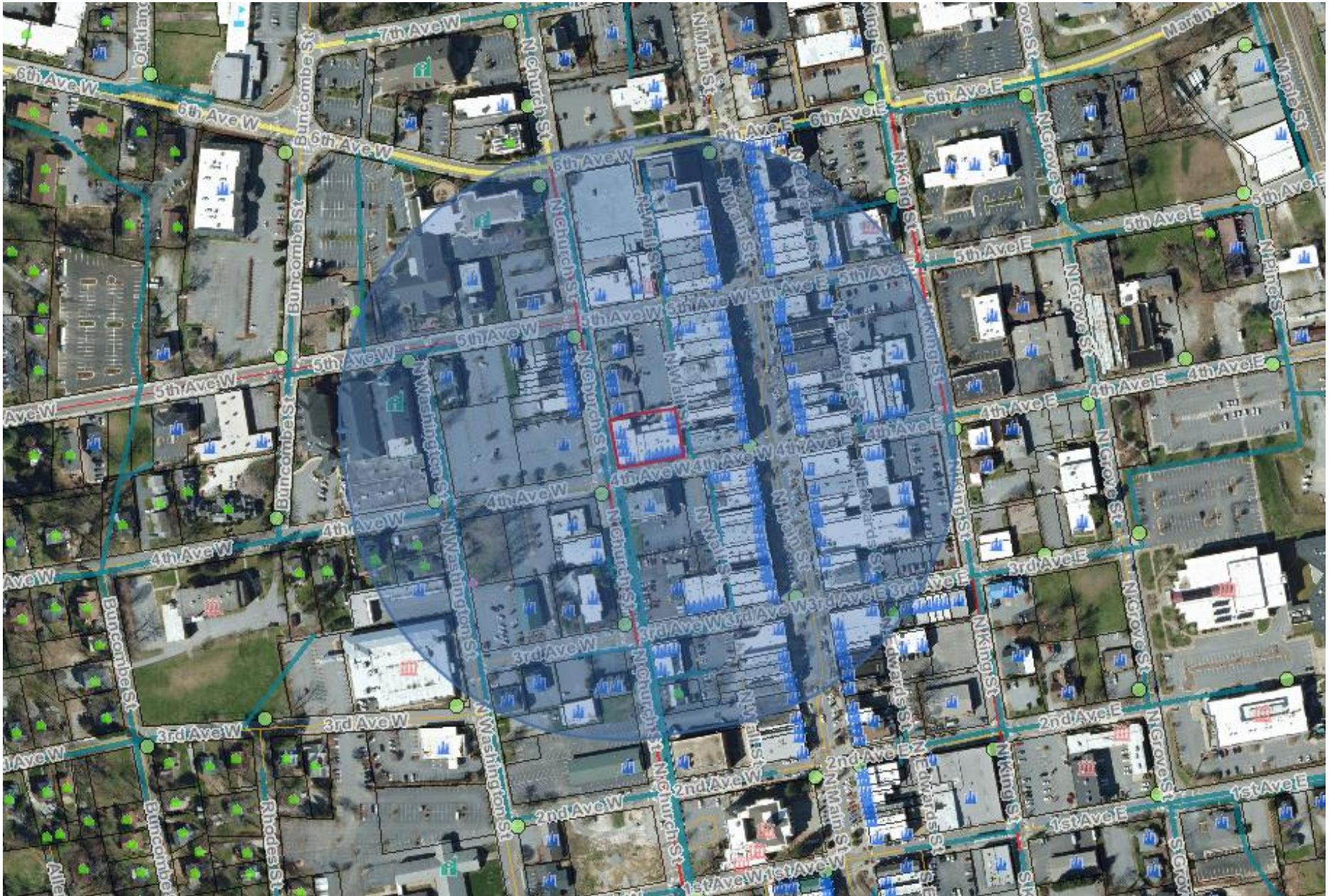
ZONING MAP – Areas highlighted where Private Clubs are permitted as a Special Use



ZONING MAP – ZOOM – Areas highlighted where Private Clubs are permitted as a Special Use



EXAMPLE MAP - 600' RADIUS MAP AROUND PRIVATE CLUB IN C-1 DISTRICT



## COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT:

The Comprehensive Plan does not have a dedicated chapter on economic development. As such staff looked to understand more broadly the intent of various future land use categories that would be impacted by the proposed Zoning Text Amendment. Future Land Uses that will be impacted by the proposed text amendment include Business Center, Regional Activity Center, Neighborhood Activity Center, Downtown Core, Downtown Support, Urban Institutional & High Intensity Neighborhood. While none of these Land Uses designations discuss Private Clubs explicitly, they all discuss the inclusion of retail and/or restaurant uses as primary and/or secondary uses. These types of land uses are most similar to Private Clubs in terms of impact. Furthermore, no explicit direction is given in the Comprehensive Plan regarding distance requirements in general nor specifically for Private Clubs.

*Chapter 8* establishes the consistency for the reviewing of potential new uses (such as Private Clubs) under *Strategy LU-1.1* which establishes the following: “*Encourage infill development and redevelopment in areas planned for high intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a.*” Further, *Action LU-1.1.1* directs implementation through the following means: “*Review zoning standards in High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, Downtown Core, Downtown Support and Urban Institutional areas and revise as necessary to enable compatible infill projects.*”

*Chapter 8* also includes *Goal LU-10* for the “*Downtown Core*” Future Land Use Map designation. Key aspects of this designation as it relates to this proposed text amendment are as follows:

| Goal LU-10.                                                                                                                                                                                                                                                                             | Strategy LU-10.1.                                                                                                                                            | Strategy LU-10.2.                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Downtown Core: Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.</i></b> | <b>Locations:</b> <ul style="list-style-type: none"> <li>• Main Street</li> <li>• 7th Avenue</li> <li>• Portions of Church Street and King Street</li> </ul> | <b>Primary recommended land uses:</b> <ul style="list-style-type: none"> <li>• Neighborhood retail sales and services</li> <li>• Restaurants</li> <li>• Arts, cultural and entertainment establishments</li> </ul> |

*Chapter 4, Goal CR-4.* establishes a goal to “*Promote downtown as Hendersonville’s central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.*”

## SUMMARY OF LEGISLATIVE COMMITTEE ACTION

The proposed text amendment was reviewed in a public meeting with the Legislative Committee of the Planning Board on October 21, 2021. The Committee consisted of two Planning Board members, Neil Brown and Bob Johnson, as well as Planning Division staff. After some lengthy discussion, the Committee came up with the following recommendation based on concerns that the 600' rule was essentially creating a "monopoly"-like situation in the City's main social/entertainment districts.

Recommendations from Legislative Committee related to Supplementary Standards for Private Clubs:

1. In the C-1 & C-2, no private club shall be located within 300' of another private club on the same street.
2. The measurements for supplementary standards for Private Clubs will be measured from the center of the Main Entrance of any existing private club to the center of the main entrance of any proposed private club.

It was clear in discussing the Supplementary Standards for Private Clubs that the Legislative Committee saw potential adjustments to the "600' Rule" as promoting the inclusion of diversified entertainment options specifically in the zoning districts which govern Downtown (C-1) and the 7<sup>th</sup> Ave District (C-2).

The proposed text amendment is also scheduled to be reviewed and considered by the Downtown Advisory Committee

PROPOSED TEXT AMENDMENT – Based on recommendation from Legislative Committee

## **ARTICLE XVI - SUPPLEMENTARY STANDARDS FOR CERTAIN USES**

### **16-4-20 Private Clubs.**

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

## PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Recommendations

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RESERVED

Planning Board Motion

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RESERVED

## DOWNTOWN ADVISORY BOARD - SUMMARY OF ACTION

Summary of Downtown Advisory Board Recommendations

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RESERVED

## SUGGESTED MOTION

See Cover Sheet for Suggested Motion including Consistency Statement and Reasonableness Statements.

## ATTACHMENTS:

- Planning Board Legislative Committee Minutes (Oct. 21, 2021)
- Draft Ordinance