



CITY OF HENDERSONVILLE PLANNING BOARD - CURRENT PLANNING COMMITTEE

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, April 11, 2022 – 2:30 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - A. Rezoning: Conditional Zoning District –White Pine Villas (P22-13-CZD) –*Tyler Morrow – Planner II*
 - B. Rezoning: Conditional Zoning District – Hawkins Pointe (P22-16-CZD) – *Matthew Manley, AICP – Planning Manager*
 - C. Rezoning: Conditional Zoning District – Southgate Apartments (P21-62-CZD) – *Matthew Manley, AICP – Planning Manager*
 - D. Rezoning: Standard Rezoning – 806 Shepherd St. (P22-019-RZO) –*Alexandra Hunt, Planner I*
6. **OTHER BUSINESS**
7. **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 Community Development Department no later than 24 hours prior to the meeting at 828-697-3010.



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow **MEETING DATE:** April 11th, 2022
AGENDA SECTION: New Business **DEPARTMENT:** Community Development
TITLE OF ITEM: Rezoning: Conditional Zoning District –White Pine Villas (P22-13-CZD) – Tyler Morrow – Planner II

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9670-70-6498, 9670-70-8607 and 9670-70-8864) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant, [dated 3-31-22,] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan.

[for amendments to uses or conditions discussed and agreed upon in the Council meeting and not yet represented on site plan submitted by the applicant please use the following language, disregard if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

[list any additional permitted uses or conditions]

3. The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

1. Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries.

For Recommending Denial:

I move Planning Board recommend the denial of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9670-70-6498, 9670-70-8607 and 9670-70-8864) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant

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

1. Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries.

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:

1. The development does not meet the requirements for a height limit exemption in accordance with section 5-14-6.5 of the zoning ordinance because (please state your reasons).

[DISCUSS & VOTE]

4. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The current underlying zoning on the subject property permits 78 multi-family units.
 2. This development will provide senior multi-family within walking distance (+/-0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy.
 3. The project is proposed to be 100% affordable (at 80% AMI or below).
 4. The subject property is identified as a priority infill area
- [DISCUSS & VOTE]

SUMMARY: *The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Tharrington and Stephen Drake of WDT Development, LLC. The applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road. from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88,500 sq. ft. apartment building with 78 units on approximately 4.64 acres.*

The underlying zoning on the site currently permits a 78-unit apartment building with a height of 34' 11" to the midpoint of the roof.

The developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' at the midpoint of the roof.

The request for increased height, reconfiguration of the vehicular use area, and the reduction in building footprint are the main deviations from the previously approved site plan.

PROJECT/PETITIONER NUMBER:	P22-13-CZD
PETITIONER NAME:	<ul style="list-style-type: none"> • Stephen Drake and Dennis Tharrington, WDT Development LLC [Applicants] • Beth Ann Laws Russell, Angela L. Jones, and Regina G Veach [Owner 9670-70-6498] • Jeffery Donaldson and Jennifer McCarson [Owner PIN: 9670-70-8607] • Jeffrey and Donna Donaldson [Owner PIN: 9670-70-8864]
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map 4. Neighborhood Compatibility Meeting Summary 5. Tree Board Summary 6. Proposed Site Plan 7. Application

REZONING: CONDITIONAL REZONING- WHITE PINE VILLAS (P22-13-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE..... 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

REZONING HISTORY 7

FUTURE LAND USE 8

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

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

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 11

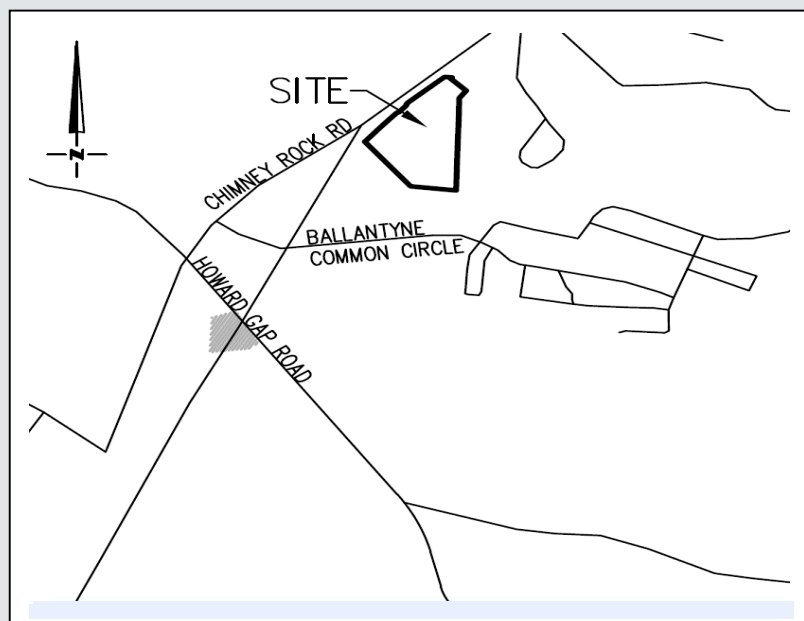
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 12

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 13



PROJECT SUMMARY

- Project Name & Case #:
 - White Pine Villas
 - P22-13-CZD
- Applicant & Property Owner:
 - Dennis Tharrington and Stephen Drake, WDT Development LLC. [Applicants]
 - Beth Ann Laws Russell, Angela L. Jones, and Regina G Veach [Owner 9670-70-6498]
 - Jeffery Donaldson and Jennifer McCarson [Owner PIN: 9670-70-8607]
 - Jeffrey and Donna Donaldson [Owner PIN: 9670-70-8864]
- Property Address:
 - 2620 Chimney Rock Road
- Project Acreage:
 - 4.64 Acres
- Parcel Identification (PINs):
 - 9670-70-6498
 - 9670-70-8607
 - 9670-70-8864
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Future Land Use Designation:
 - Neighborhood Activity Center
- Requested Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - Residential dwelling, multi-family
- Neighborhood Compatibility Meeting:
 - February 18th, 2022



SITE VICINITY MAP

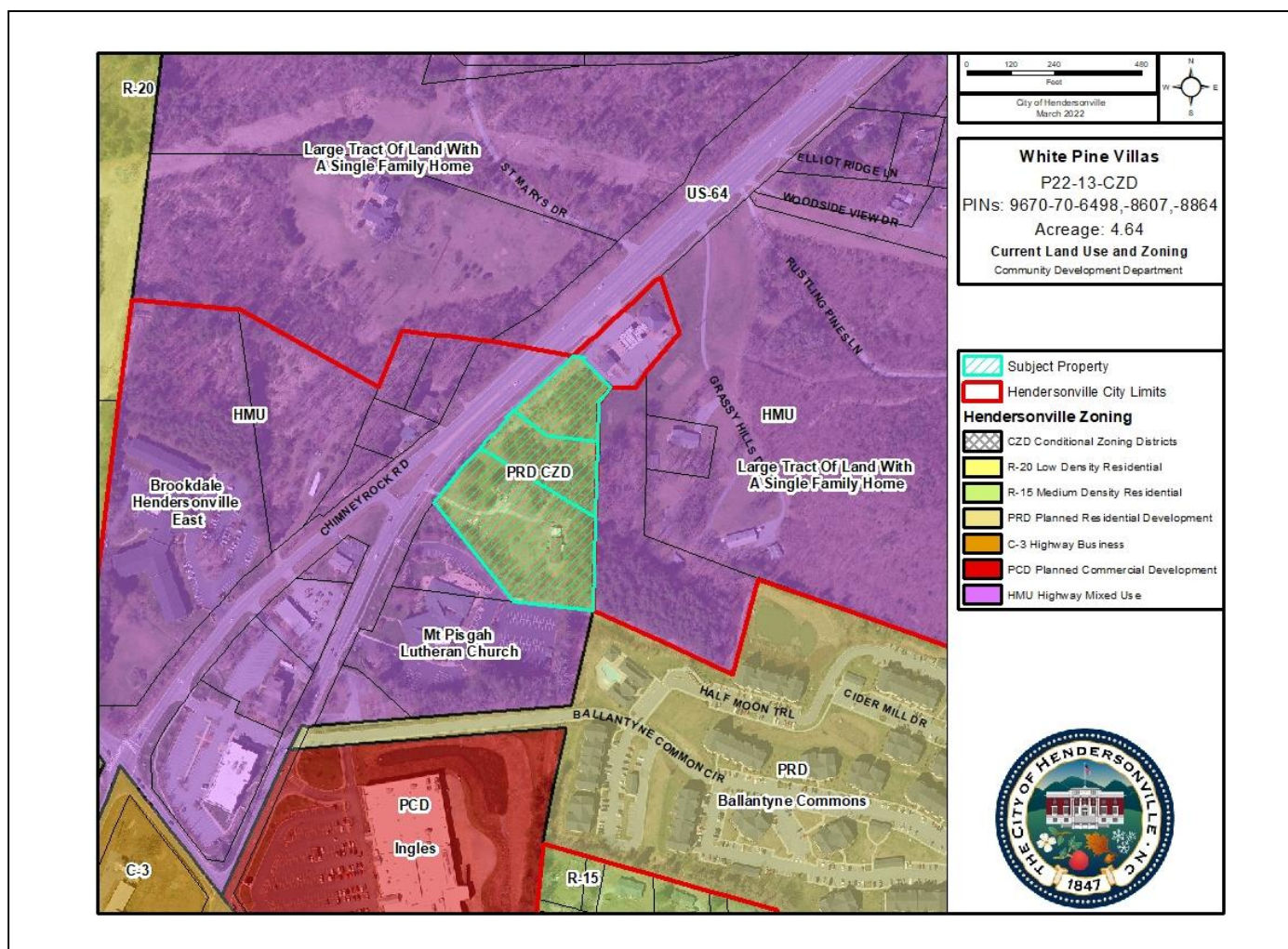
The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Tharrington and Stephen Drake of WDT Development, LLC. The applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road. from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88, 500 sq. ft. apartment building with 78 units on approximately 4.64 acres.

The underlying zoning on the site currently permits a 78-unit apartment building with a height of 34' 11" to the midpoint of the roof.

The developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' to the midpoint of the roof.

The request for increased height, reconfiguration of the vehicular use area, and the reduction in building footprint are the main deviations from the previously approved site plan.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned PRD-CZD, Planned Residential Development Conditional Zoning District.

The parcel is surrounded by HMU, Highway Mixed Use zoning. Some of the uses present in this area are a religious institution, laundry mat, senior living multi-family and single family homes on large tracts of land that could be redeveloped.

The subject property shares a property boundary with the Ballantyne Commons Apartments. Ballantyne Commons is a multi-family development of 360 units on 29 acres that is also zoned PRD, Planned Residential Development.

Other districts that are in the general area of the subject property are Planned Commercial Development (Ingles), C-3 Highway Business, R-15 Medium Density Residential and R-20 Low Density Residential.

SITE IMAGES



View of the blueline stream and existing sidewalk looking north.



View from the northern tip of the property looking south.

SITE IMAGES



View of large mature trees near the 2 residences on site.



Interior view of the property looking eastward.

SITE IMAGES



Interior view of the parcel looking southward.



*View from the existing sidewalk on Chimney Rock Road
looking eastward.*

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
April 2 nd , 2020 (P20-07-CZD) Rezoned from Highway Mixed Use to Planned Residential Development Conditional Zoning District.	The rezoning was tied to a Low-Income Tax Credit Application. The request was for a 78-unit 3-story 55+ multi-family building on approximately 4.64 acres. The project did not receive tax credits.	Preliminary Site plan was approved by City Council- Final site plan was never submitted to staff.

Minutes from the City Council meeting:
<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-4ab50b18954346f49ac79b2f04368be2.pdf>

White Pine Villas

Building- 78 units. 16.81 Units per acre.

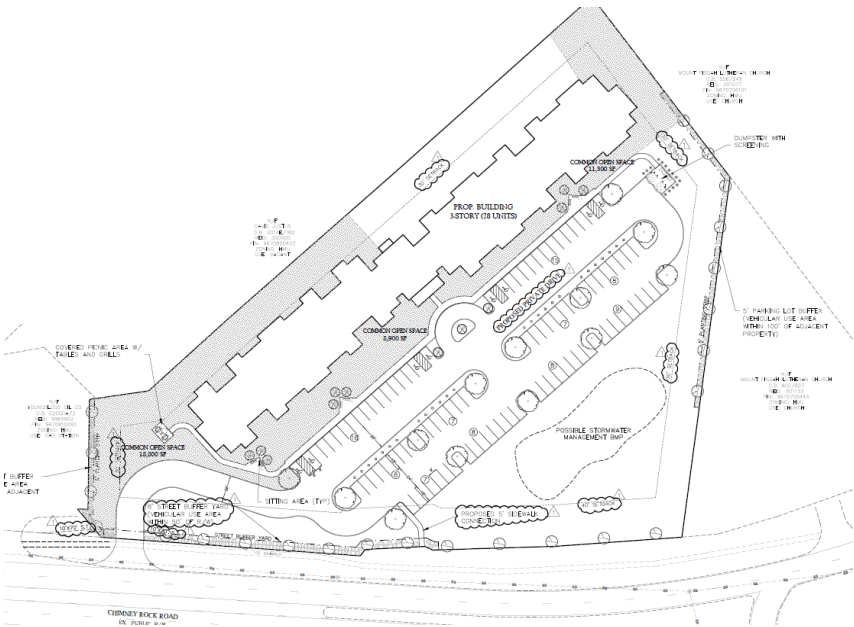
- One 3-story multi-family building.
- 31,900 SF footprint
- 34' 11" to the midpoint of the roof
- 95 Parking Spaces (8 handicap accessible)

Conditions of Approval:

- Complete petition for annexation submitted to the City of Hendersonville.

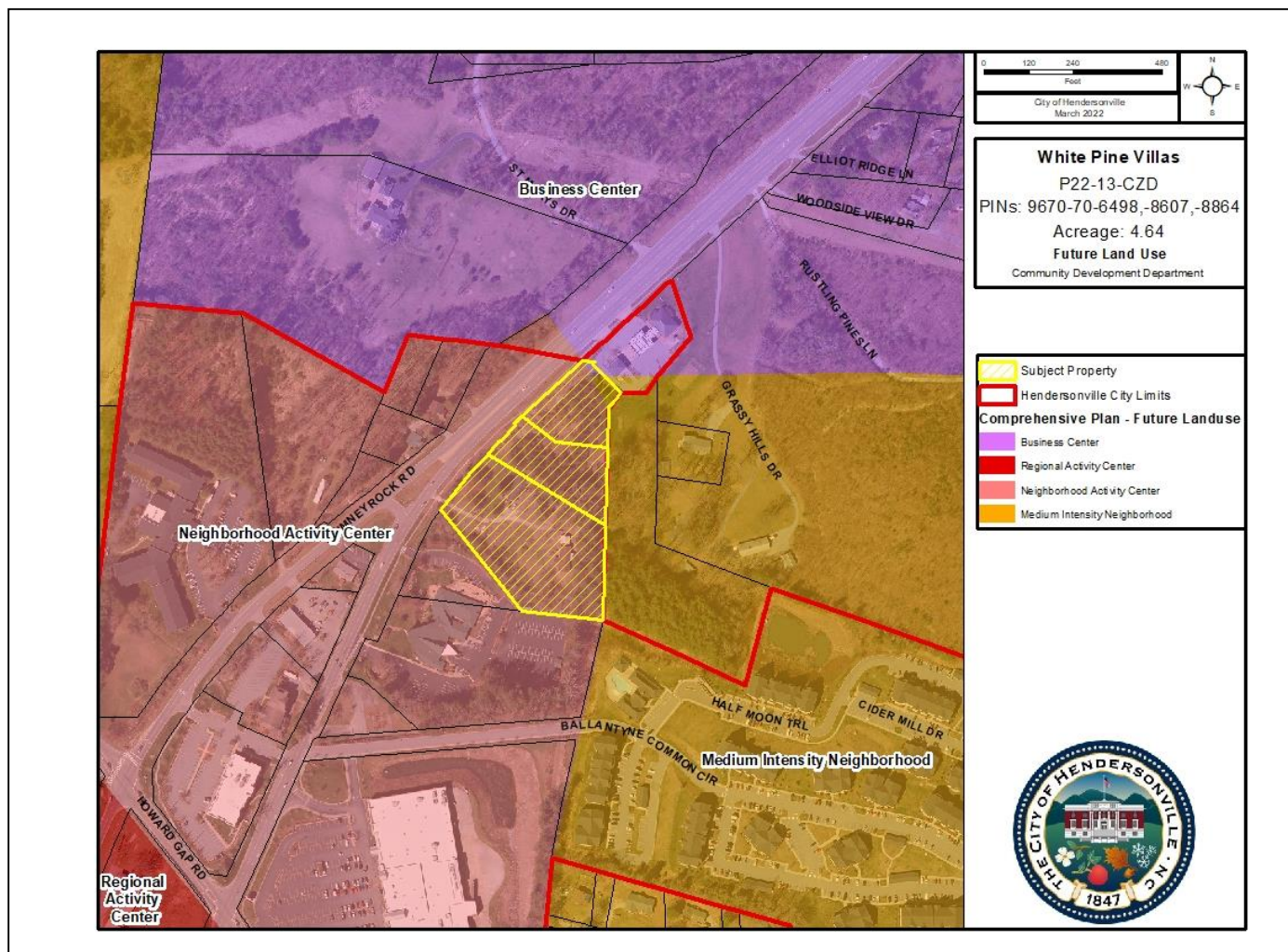
Uses:

Residential dwellings, multi-family



PROPOSED UNITS:	78 UNITS
- 36 (1) BR UNITS	
- 42 (2) BR UNITS	
PROPOSED DENSITY:	16.8 DU/AC
PROPOSED BUILDING HEIGHT:	34'-11" (GRADE - MIDPOINT OF ROOF)
REQUIRED PARKING:	117
- 1.5 SPACES PER 1-2 BEDROOM UNITS	
- 2 SPACES PER 3+ BEDROOMS UNITS	
REQUIRED PARKING (REDUCED):	94
- REQUESTING 20% REDUCTION IN ENTRY CORRIDOR	
PROPOSED ON-SITE PARKING:	95
- HANDICAP PARKING:	8 (4 VAN ACCESSIBLE)
FRONT SETBACK:	40'
SIDE YARD:	30'
REAR YARD:	30'
OPEN SPACE/FOOTPRINT REQUIRED	
- MAXIMUM ALLOWABLE FOOTPRINT:	40,000 SF
- PROPOSED FOOTPRINT:	±31,900 SF
- REQUIRED MINIMUM OPEN SPACE:	60% (121,271 SF)
- PROPOSED OPEN SPACE:	60% (121,271 SF)
- PROPOSED ASPHALT AREA:	±49,000 SF
- PROPOSED SIDEWALK AREA:	±4,400 SF
- REQUIRED MINIMUM COMMON OPEN SPACE:	39,000 SF
(500 SF PER UNIT WITH 78 UNITS TOTAL)	
- PROPOSED COMMON OPEN SPACE:	39,000 SF
(HATCHED AREA INDICATED COMMON OPEN SPACE)	

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The site is designated as Neighborhood Activity Center.

Parcels to the south and southwest are also designated as Neighborhood Activity Center. This area represents a node of Neighborhood Activity Center at the US 64 and Howard Gap intersection. This area has a wide range of nonresidential uses and lends itself to possible future redevelopment.

Parcels to the north are designated as Business Center. This area has a lot of large vacant lots that could be redeveloped into a campus like environment.

Parcels to the east are designated as Medium Intensity Neighborhood. This area is comprised of a couple of larger Planned Residential Developments (Ballantyne Commons and Half Moon Heights) as well as some single-family homes on large lots that could be redeveloped in the future for denser residential uses.

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

COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	Goal LU-8. Neighborhood Activity Center: <i>“Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville’s neighborhoods.” [CONSISTENT]</i>
	Strategy LU-8.1. Locations: <ul style="list-style-type: none"> Emerging neighborhood activity center at US-64 and Howard Gap Road.
	Strategy LU-8.2. Primary recommended land uses: <ul style="list-style-type: none"> Neighborhood retail sales and services [INCONSISTENT]
	Strategy LU-7.3. Secondary recommended land uses: <ul style="list-style-type: none"> Multi-family residential [CONSISTENT] Pedestrian amenities (plazas, outdoor seating, etc.) [CONSISTENT]
	Strategy LU-8.4. Development guidelines: <ul style="list-style-type: none"> Minimal parking in front of buildings (no more than one to two rows) along thoroughfares, with remainder of parking located to the side or rear [CONSISTENT] Encouragement of buildings that are designed at a human scale, maximizing window coverage on ground floors and utilizing façade articulation [INCONSISTENT, ELEVATIONS ARE NOT A REQUIREMENT OF PRD] Provision of pedestrian connections to parking and other buildings/ properties [CONSISTENT]
Land Use & Development	The property is designated as a “ Priority Infill Area ” on the Growth Management Map (Map 8.3a). “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties”. [CONSISTENT]
	A portion of the project area is identified as a “ Development Opportunity ” in the Comprehensive Plan’s Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]

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

COMPREHENSIVE PLAN CONSISTENCY	
Population & Housing	<ul style="list-style-type: none"> Strategy PH-1.1.1. Promote compatible infill development. Action PH-1.1.2. Implement zoning map and/or text amendments as needed in the Priority Infill Areas identified on the Growth Management Map in Chapter 8 Action PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as “park streets” identified in Strategy CF-7.1 in Chapter 5.
	<ul style="list-style-type: none"> Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods Strategy PH-2.2. Encourage provision of affordable housing units in new developments. Action PH-2.2.1. Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.
	<ul style="list-style-type: none"> Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services
Natural & Environmental Resources	<ul style="list-style-type: none"> Goal NR-1. Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat. Action NR-1.2.2 Continue to enforce and improve upon the City’s Stream Buffer Protection Standards
	<ul style="list-style-type: none"> Strategy NR-2.3. Promote preservation of woodlands. Action NR-2.3.2 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects
	<ul style="list-style-type: none"> Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.
Cultural & Historic Resources	<ul style="list-style-type: none"> N/A- No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	<ul style="list-style-type: none"> Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.
Water Resources	<ul style="list-style-type: none"> Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	<ul style="list-style-type: none"> Strategy TC-3.4. Improve roadways as needed to implement the land use vision and meet level-of-service requirements, as illustrated on Map 7.3a (Includes this section of Chimney Rock Road)

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Is the proposed rezoning compatible or incompatible with surrounding uses?
	The underlying conditional zoning district permits 78 multi-family units. Senior living multi-family is present in this area across US 64 at Brookdale Hendersonville East. Brookdale Hendersonville East was constructed in 1988 and operates as an independent living community. Unit count/density is unknown for this development. Ballantyne Commons to the rear of this property is an age unrestricted multi-family development. It is a 29-acre development with 360 dwelling units and a density of 12 units per acre. Per the site plan for the Ballantyne develop, the max building height is 36'.
Changed Conditions	Highlight any changed conditions, on surrounding property, etc. that suggest a rezoning is appropriate.
	The underlying zoning on the subject property permits senior living 55+ multifamily and 16.81 units per acre. The project is required to go through the conditional zoning district review because the applicant is requesting a height limitation exemption from City Council. The previously approved height was 34' 11".
Public Interest	Are there public interests or benefits that would be derived for the greater population from the rezoning?
	According to the latest census data 26% of Henderson County is 65+. This development will provide additional affordable housing options for this age group. The 2030 comprehensive plan notes that Hendersonville continues to see a large number of retirees make the city their home.
Public Facilities	Are there public facilities that can support the proposed rezoning, water, wastewater, fire and police, schools, and transportation?
	The development will be served by City of Hendersonville water and sewer service. Chimney Rock Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Internal drive aisle will be privately maintained.
Effect on Natural Environment	Would the proposed amendment result in "significantly adverse impacts" on the natural environment?
	Site is mostly a greenfield, new development reflects a significant increase in impervious surfaces.
	The site currently has 62 trees 12" or greater DBH on site. The developer is proposing to remove approximately 52 trees and retain 10 trees 12" or greater DBH. The applicant is also proposing to plant 68 new trees.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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:

Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries.

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 current underlying zoning on the subject property permits 78 multi-family units.*
- *This development will provide senior multi-family within walking distance (+-0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy.*
- *The project is proposed to be 100% affordable (at 80% AMI or below).*
- *The subject property is identified as a priority infill area.*

DRAFT [Rational for Denial]

- *The development does not meet the requirements for a height limit exemption in accordance with section 5-14-6.5 of the zoning ordinance because (please state your reasons).*

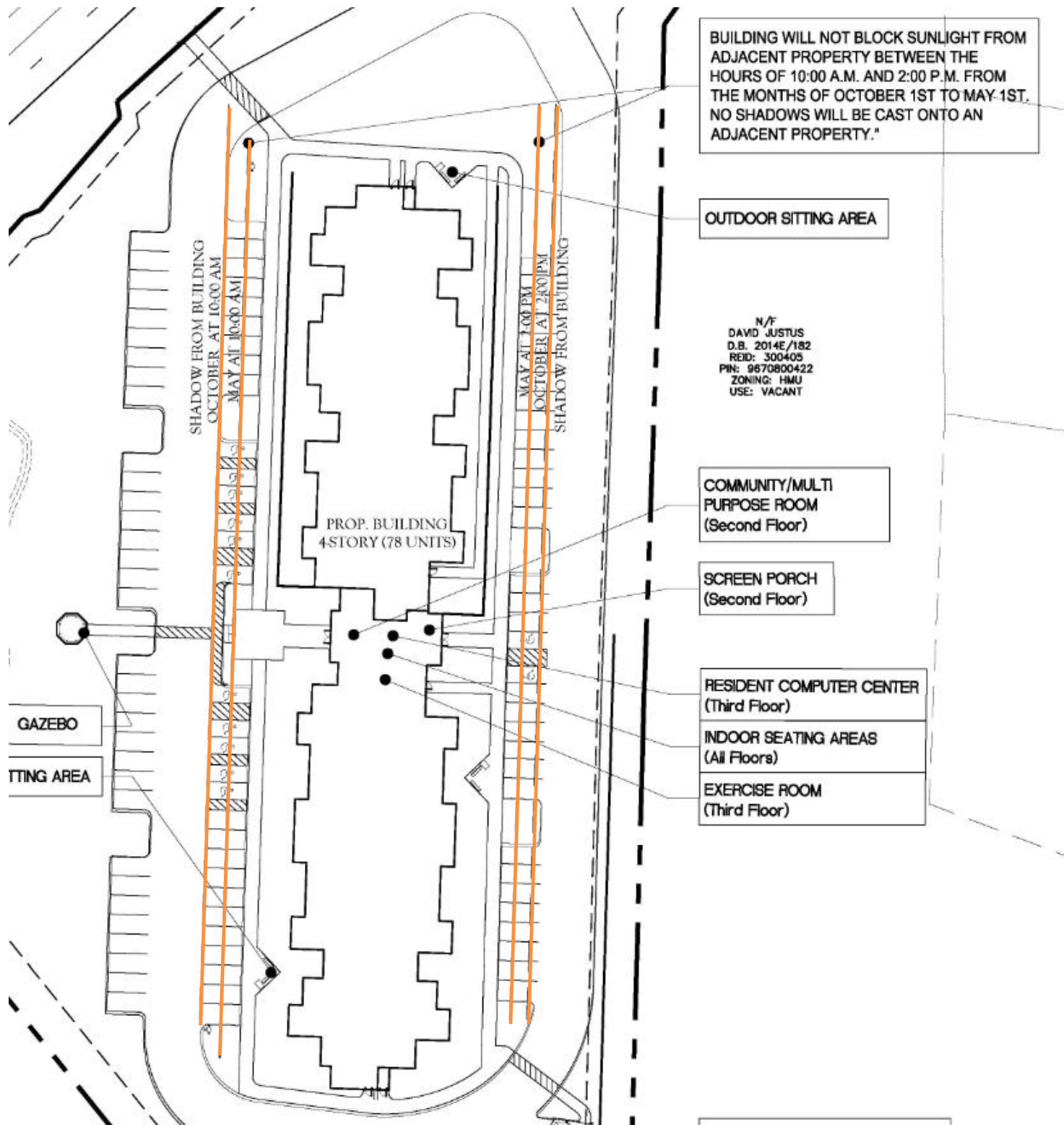
STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- The site plan accompanying this petition contains the following provisions:
 - 78-Unit Adult 55+ Apartment Development on 4.64 Acres (Density = 16.81 Units/Acre)
 - 1 4-story building
 - 50' to the midpoint of the roof
 - 25,500 Sq. Ft. building footprint
 - 88,500 Sq. Ft. of Gross Floor Area
 - Bedroom units
 - 36 1-Bedroom Units
 - 42 2-Bedroom Units
 - Requested Uses: Residential, Multi-Family
- The developer is requesting a density bonus. City Council can grant a density bonus if the following standards are met.
 - The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan;
 - Chimney Rock Road is designated as a boulevard on the Comprehensive Transportation Plan
 - Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan;
 - Chimney Rock Road is designated as a boulevard on the Comprehensive Transportation Plan
 - The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway;
 - NCDOT stated “we do not foresee this senior adult housing development causing any significant degradation in the LOS of US 64 Chimney Rock Road and the number of trips generated are nominal”
 - The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;
 - Sidewalks are existing at the front of the property. The sidewalk leads to Ingles/Ingles pharmacy. The developer is showing a connection to this sidewalk.
 - The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the

common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed.

- The developer is providing 19.3% of the development as common open space.
- Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.
 - The developer is proposing a density of 16.81 units per acre.
- The developer is requesting a height limitation exemption. City Council can grant a height limitation exemption if the following standards are met.
 - Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.
 - (See Sun Study Below, Page 15)
 - Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.
 - Hendersonville Fire Department reviewed this project as a member of the Development Review Committee and had no comments concerning the height of the structure.
 - The developer is not proposing to exceed 50'.
 - The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.
 - The site plan shows a 45' side and rear setback to meet this requirement.



- **Comparison between P20-07-CZD (approved) and P22-13-CZD (proposed)**

	P20-07-CZD	P22-13-CZD
Height	34' 11"	50'
Units	78	78
Use	Residential dwellings, multi-family	Residential dwellings, multi-family
Parking	95 spaces (8 ADA)	97 (13 ADA)
Building Footprint	31,900 SF	25,500
Common Open Space	39,000 SF	39,000 SF
Bedrooms	36 1-Bedroom Units 42 2-Bedroom Units	36 1-Bedroom Units 42 2-Bedroom Units

- **Developer Conditions:**
 - **Developer Proposed Concessions:**
 - Proposed development is a Low-Income Housing Tax Credit project with all 78 units at or below 80% AMI. Proposed Development will provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.
 - **Developer Proposed Conditions:**
 - The developer is requesting that a height limitation exemption be granted by City Council for this project in accordance with section 5-14-6.5 Building Height of the Zoning Ordinance.
 - The developer is requesting that a Density Bonus be granted by City Council for this project in accordance with section 5-14-5 Density Bonus of the Zoning Ordinance.

OUTSTANDING ISSUES & PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
 - 50% of the required vehicular use shrubs should be planted in islands or medians located within the parking lot.

Proposed City-Initiated Conditions: None

CITY ENGINEER

Site Plan Comments: None

Proposed City-Initiated Conditions: None

FIRE MARSHAL

Site Plan Comments

- The location of the FDC may require an additional hydrant. Would not approve FDC

connection at entrance with hot box as it would limit access from both directions.
Proposed City-Initiated Conditions: None

STORMWATER ADMINISTRATOR

Site Plan Comments: None
Proposed City-Initiated Conditions: None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments: None
Proposed City-Initiated Conditions: None

PUBLIC WORKS DIRECTOR:

Site Plan Comments:
- Will they be cutting the sidewalk to install the driveway? if so, they will need an encroachment permit for the sidewalk cut?
Proposed City-Initiated Conditions: None

NCDOT

Site Plan Comments:
- We do not foresee this senior adult housing development causing any significant degradation in the LOS of US 64 Chimney Rock Road and the number of trips generated are nominal.
- The site has some concerns as far as sight distance and the speed of the vehicles coming from the west. This can be addressed during the driveway permit review.
Proposed City-Initiated Conditions: None

TRANSPORTATION CONSULTANT

Site Plan Comments & Recommended Conditions: None
- Jonathan Guy with Kimley Horn did not review this project since a TIA was not triggered by the zoning ordinance and NCDOT did not relay any traffic concerns to the City.

TREE BOARD

Site Plan Comments & Recommended Conditions:
- See attached Tree Board Summary

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PARCEL IDENTIFICATION NUMBERS 9670-70-6498, 9670-70-8607 AND 9670-70-8864 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9670-70-6498, 9670-70-8607 and 9670-70-8864– 2620 Chimney Rock Road (White Pine Villas) - (File # P22-13-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Stephen Drake, WDT Development LLC for the development of 78 affordable senior living (55+) multi-family units on approximately 4.64 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11th, 2022; voting 0-0 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 May 5th, 2022, and

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: 9670-70-6498, 9670-70-8607 and 9670-70-8864 from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. Developer shall be granted a height limitation exemption in accordance with section 5-14-6.5 of the Zoning Ordinance. The height limitation exemption shall be for a structure measuring 50’ to the midpoint of a gable, hip or gambrel roof.
 - ii. Developer shall be granted a density bonus in accordance with 5-14-5 of the Zoning Ordinance. The density bonus shall allow a density of 16.8 units per acre.
 - iii. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits.
 - iv. An additional 25 large and medium canopy trees, 2 ½” or larger caliper, beyond those shown as preserved (10) on the site plan reviewed by the Tree Board, must be planted throughout the site.
 - v. Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city’s Recommended Landscape Species List for Street Trees and Land Development Projects.
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th, day of May 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Dennis Tharrington,
WDT Development LLC.

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner 9670-70-6498: Regina G.
Veach

Signature:_____

Printed Name:_____

Date:_____

Property Owner PIN 9670-70-8607: Jeffery
Donaldson

Signature:_____

Printed Name:_____

Date:_____

Property Owner PIN 9670-70-8864: Donna
Donaldson

Signature:_____

Printed Name:_____

Date:_____

Property Owner PIN 9670-70-6498: Beth Ann
Laws Russell

Signature:_____

Printed Name:_____

Date:_____

Property Owner PIN 9670-70-6498: Angela L.
Jones

Signature:_____

Printed Name:_____

Date:_____

Property Owner PIN 9670-70-8607: Jennifer
McCarson

Signature:_____

Printed Name:_____

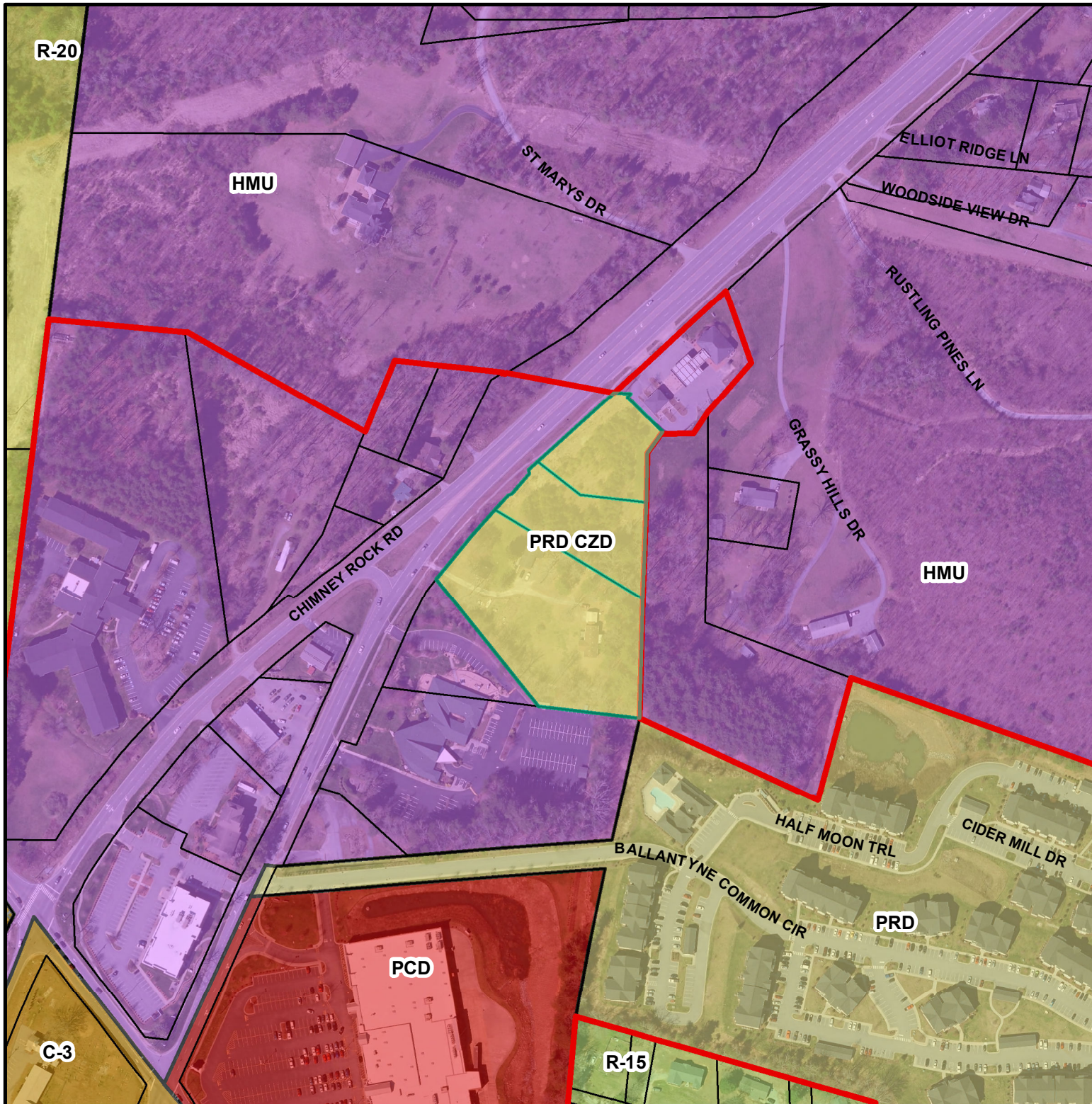
Date:_____

Property Owner PIN 9670-70-8864: Jeffrey
Donaldson

Signature:_____

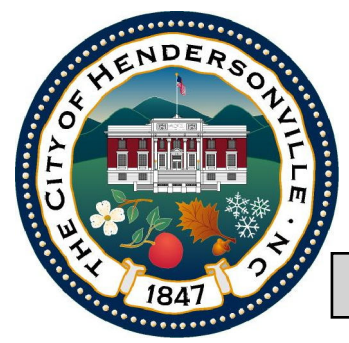
Printed Name:_____

Date:_____



White Pine Villas
P22-13-CZD
PINs: 9670-70-6498,-8607,-8864
Acreage: 4.64
Proposed Zoning
Community Development Department

- Hendersonville Zoning**
- Subject Property
 - Hendersonville City Limits
 - CZD Conditional Zoning Districts
 - R-20 Low Density Residential
 - R-15 Medium Density Residential
 - PRD Planned Residential Development
 - C-3 Highway Business
 - PCD Planned Commercial Development
 - HMU Highway Mixed Use





NEIGHBORHOOD COMPATIBILITY MEETING REPORT
WHITE PINE VILLAS (P22-13-CZD)
NCM MEETING DATE: FEBRUARY 18TH, 2022

PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Stephen Drake and Dennis Tharrington of WDT Development, LLC

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on February 18th, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom.

2 members of the public were in attendance in-person with 1 other attending virtually. Additionally, in attendance was 1 member from the applicant team and 3 members of City staff.

There was 1 pre-submitted comment.

A citizen asked a question about whether a TIA would be conducted for this project. The applicant stated that since the average age of the tenant is 70 and not typically working, this would reduce the amount of daily traffic, and that a TIA was not required. Questions were also raised about entrance requirements and parking.

A citizen raised concerns over stormwater run off from all the new impervious surfaces from this development. The applicant stated that the proposed development would have a sand filter basin/pond that will be adequate to handle a 25 year flood. There were also concerns raised about increased traffic on Chimney Rock Road as a result of this development.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.



TREE BOARD RECOMMENDATION
WHITE PINE VILLAS (P22-13-CZD)
Meeting Date: March 15th, 2022

PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Stephen Drake and Dennis Tharrington of WDT Development, LLC

TREE BOARD ACTION SUMMARY:

Staff and the applicant presented to the Tree Board at their regular meeting on March 15th, 2022. The following Recommendation were made:

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following developmental conditions be place on this project:

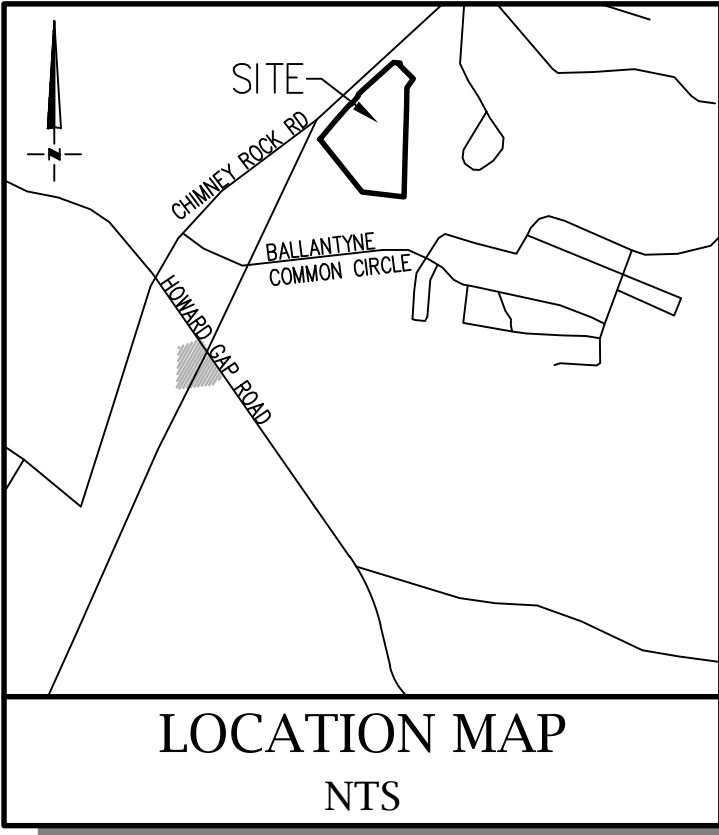
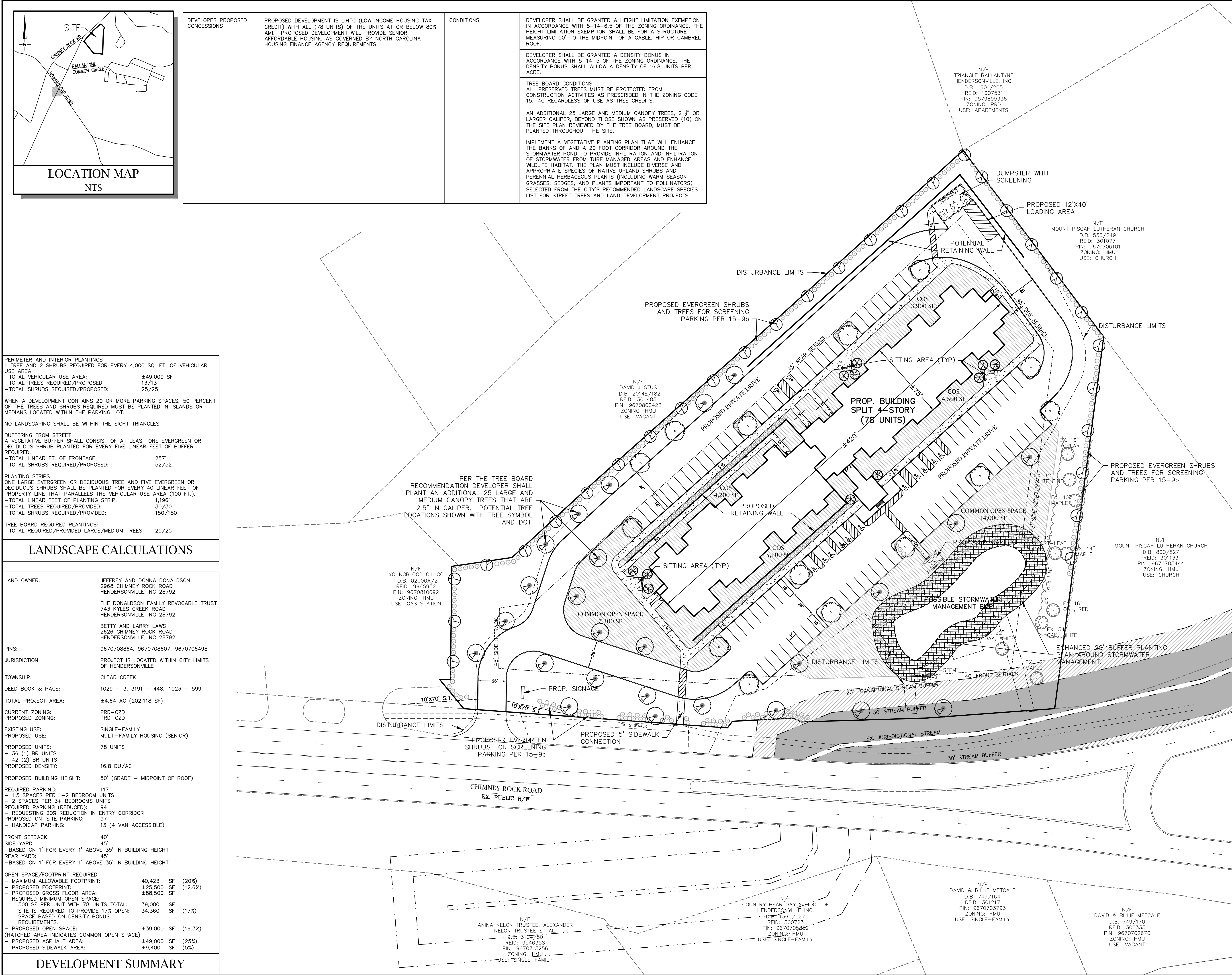
- 1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits.*
- 2. An additional 25 large and medium canopy trees, 2 ½" or larger caliper, beyond those shown as preserved (10) on the site plan reviewed by the Tree Board, must be planted throughout the site.*
- 3. Implement a vegetative planting plan that will enhance the banks of and a 20 foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses can be used.*

BOARD ACTION

Motion: Glenn Lange

Roll Call Vote:

- Yeas: Mac Brackett, Mark Madsen, Glenn Lange, Pat Christie, Andy Crawford.
- Nays: None
- Absent: Mary Davis and Landon Justice
- Recused: None

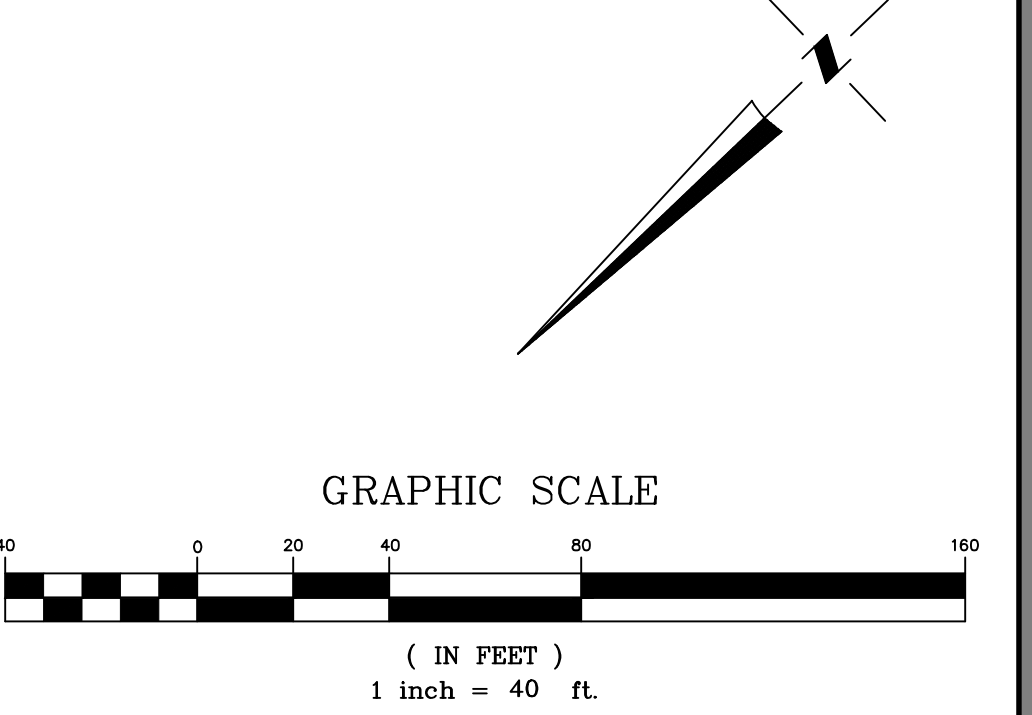


DEVELOPER PROPOSED CONCESSIONS	PROPOSED DEVELOPMENT IS LIHTC (LOW INCOME HOUSING TAX CREDIT) WITH ALL (78 UNITS) OF THE UNITS AT OR BELOW 80% AMI. PROPOSED DEVELOPMENT WILL PROVIDE SENIOR AFFORDABLE HOUSING AS GOVERNED BY NORTH CAROLINA HOUSING FINANCE AGENCY REQUIREMENTS.	CONDITIONS	DEVELOPER SHALL BE GRANTED A HEIGHT LIMITATION EXEMPTION IN ACCORDANCE WITH 5-14-5.5 OF THE ZONING ORDINANCE. THE HEIGHT LIMITATION EXEMPTION SHALL BE FOR A STRUCTURE MEASURING 50' TO THE MIDPOINT OF A GABLE, HIP OR GAMBREL ROOF. DEVELOPER SHALL BE GRANTED A DENSITY BONUS IN ACCORDANCE WITH 5-14-5 OF THE ZONING ORDINANCE. THE DENSITY BONUS SHALL ALLOW A DENSITY OF 16.8 UNITS PER ACRE. TREE BOARD CONDITIONS: ALL PRESERVED TREES MUST BE PROTECTED FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN THE ZONING CODE 15.-4C REGARDLESS OF USE AS TREE CREDITS. AN ADDITIONAL 25 LARGE AND MEDIUM CANOPY TREES, 2" OR LARGER CALIPER, BEYOND THOSE SHOWN AS PRESERVED (10) ON THE SITE PLAN REVIEWED BY THE TREE BOARD, MUST BE PLANTED THROUGHOUT THE SITE. IMPLEMENT A VEGETATIVE PLANTING PLAN THAT WILL ENHANCE THE BANKS OF AND A 20 FOOT CORRIDOR AROUND THE STORMWATER POND TO PROVIDE INFILTRATION AND INFILTRATION OF STORMWATER FROM TURF MANAGED AREAS AND ENHANCE WILDLIFE HABITAT. THE PLAN MUST INCLUDE DIVERSE AND APPROPRIATE SPECIES OF NATIVE UPLAND SHRUBS AND PERENNIAL HERBACEOUS PLANTS (INCLUDING WARM SEASON GRASSES, SEDGES, AND PLANTS IMPORTANT TO POLLINATORS) SELECTED FROM THE CITY'S RECOMMENDED LANDSCAPE SPECIES LIST FOR STREET TREES AND LAND DEVELOPMENT PROJECTS.
--------------------------------	--	------------	--

PERIMETER AND INTERIOR PLANTINGS: 1 TREE AND 2 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF VEHICULAR USE AREA. -TOTAL VEHICULAR USE AREA: ±49,000 SF -TOTAL TREES REQUIRED/PROPOSED: 13/13 -TOTAL SHRUBS REQUIRED/PROPOSED: 25/25
WHEN A DEVELOPMENT CONTAINS 20 OR MORE PARKING SPACES, 50 PERCENT OF THE TREES AND SHRUBS REQUIRED MUST BE PLANTED IN ISLANDS OR MEDIANS LOCATED WITHIN THE PARKING LOT. NO LANDSCAPING SHALL BE WITHIN THE SIGHT TRIANGLES. BUFFERING FROM STREET: A VEGETATIVE BUFFER SHALL CONSIST OF AT LEAST ONE EVERGREEN OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF BUFFER REQUIRED. -TOTAL LINEAR FT. OF FRONTAGE: 257' -TOTAL SHRUBS REQUIRED/PROPOSED: 52/52
PLANTING STRIPS: ONE LARGE EVERGREEN OR DECIDUOUS TREE AND FIVE EVERGREEN OR DECIDUOUS SHRUBS SHALL BE PLANTED FOR EVERY 40 LINEAR FEET OF PROPERTY LINE THAT PARALLELS THE VEHICULAR USE AREA (100 FT.). -TOTAL LINEAR FEET OF PLANTING STRIP: 1,196' -TOTAL TREES REQUIRED/PROVIDED: 30/30 -TOTAL SHRUBS REQUIRED/PROVIDED: 150/150
TREE BOARD REQUIRED PLANTINGS: -TOTAL REQUIRED/PROVIDED LARGE/MEDIUM TREES: 25/25

LANDSCAPE CALCULATIONS
LAND OWNER: JEFFREY AND DONNA DONALDSON 2968 CHIMNEY ROCK ROAD HENDERSONVILLE, NC 28792 THE DONALDSON FAMILY REVOCABLE TRUST 743 KYLES CREEK ROAD HENDERSONVILLE, NC 28792 BETTY AND LARRY LAWS 2626 CHIMNEY ROCK ROAD HENDERSONVILLE, NC 28792 PINS: 9670708864, 9670708607, 9670706498 JURISDICTION: PROJECT IS LOCATED WITHIN CITY LIMITS OF HENDERSONVILLE TOWNSHIP: CLEAR CREEK DEED BOOK & PAGE: 1029 - 3, 3191 - 448, 1023 - 599 TOTAL PROJECT AREA: ±4.64 AC (202,118 SF) CURRENT ZONING: PRD-CZD PROPOSED ZONING: PRD-CZD EXISTING USE: SINGLE-FAMILY PROPOSED USE: MULTI-FAMILY HOUSING (SENIOR) PROPOSED UNITS: 78 UNITS - 36 (1) BR UNITS - 42 (2) BR UNITS PROPOSED DENSITY: 16.8 DU/AC PROPOSED BUILDING HEIGHT: 50' (GRADE - MIDPOINT OF ROOF) REQUIRED PARKING: 117 - 1.5 SPACES PER 1-2 BEDROOM UNITS - 2 SPACES PER 3+ BEDROOMS UNITS REQUIRED PARKING (REDUCED): 94 - REQUESTING 20% REDUCTION IN ENTRY CORRIDOR PROPOSED ON-SITE PARKING: 97 - HANDICAP PARKING: 13 (4 VAN ACCESSIBLE) FRONT SETBACK: 40' SIDE YARD: 45' -BASED ON 1' FOR EVERY 1' ABOVE 35' IN BUILDING HEIGHT REAR YARD: 45' -BASED ON 1' FOR EVERY 1' ABOVE 35' IN BUILDING HEIGHT OPEN SPACE/FOOTPRINT REQUIRED - MAXIMUM ALLOWABLE FOOTPRINT: 40,423 SF (20%) - PROPOSED FOOTPRINT: ±25,500 SF (12.6%) - PROPOSED GROSS FLOOR AREA: ±88,500 SF - REQUIRED MINIMUM OPEN SPACE: 500 SF PER UNIT WITH 78 UNITS TOTAL: 39,000 SF SITE IS REQUIRED TO PROVIDE 17% OPEN SPACE BASED ON DENSITY BONUS REQUIREMENTS: 34,360 SF (17%) - PROPOSED OPEN SPACE: ±39,000 SF (19.3%) (HATCHED AREA INDICATES COMMON OPEN SPACE) - PROPOSED ASPHALT AREA: ±49,000 SF (25%) - PROPOSED SIDEWALK AREA: ±9,400 SF (5%)

- DEVELOPMENT NOTES:
- COMMON OPEN SPACE**
1. DOCUMENTATION SHALL BE PROVIDED PRIOR TO FINAL SITE PLAN APPROVAL FOR ONGOING MAINTENANCE OF COMMON FACILITIES.
- STORMWATER MANAGEMENT**
1. STORMWATER APPROVAL FROM THE CITY ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL.
2. EROSION CONTROL APPROVAL IS REQUIRED FROM HENDERSON COUNTY PRIOR TO FINAL SITE PLAN APPROVAL.
- MISCELLANEOUS NOTES**
1. PROPOSED PROJECT TO BE CONSTRUCTED IN ONE PHASE.



Mc² ENGINEERING
Mc² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
WHITE PINE VILLAS
CHIMNEY ROCK ROAD
HENDERSONVILLE, NC

DEVELOPED BY:
WDT DEVELOPMENT LLC
266 COUNTRY CLUB DRIVE
HENDERSON, NC 27536

REZONING SITE PLAN

REVISIONS		
1	3/31/22	HENDERSONVILLE COMMENTS

CAD FILE: 20-004 BASE.DWG
PROJECT NO.: 20-004
DESIGNED BY: JDM
DATE: JANUARY 14, 2021

SP1.0



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☐ 2. Water and Sewer Availability Request
- ☐ 3. Completed Application Form
- ☐ 4. Completed Signature Page (completed Owner’s Affidavit if different from applicant)
- ☐ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☐ 6. Detailed explanation of any Proposed Development Description
- ☐ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

A. Applicant Contact Information

Dennis Tharrington

* Printed Applicant Name

WDT Development, LLC

Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____



Applicant Signature

managing member

Applicant Title (if applicable)

266 Country Club Drive

Address of Applicant

Henderson, NC 27536

City, State, and Zip Code

828-551-6970

Telephone

Stephen@BroadCraftConstruction.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

B- Property Owner Contact Information (if different from Applicant)

Beth Ann Laws Russell Joseph W. Russell

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

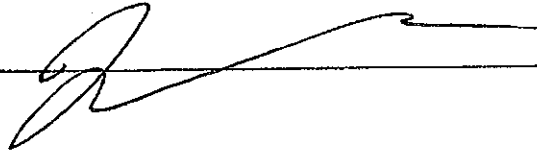
☐ Trust

☐ Partnership

☒ Other: Estate

Beth Ann L. Russell

Property Owner Signature



Property Owner Title (if applicable)

Hendersonville, NC 28792

City, State, and Zip Code

828-329-1220

Telephone

barussell195@yahoo.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Note: Additional Owner Signature pages attached.

C. Property Information

Name of Project: White Pine Villas

PIN(s): 9670706498 / 9670708697 / 9670708864

Address(es) / Location of Property: 2620 Chimney Rock Road

Type of Development: X Residential ___ Commercial ___ Other

Current Zoning: PRD-CZD

Total Acreage: 4.64

Proposed Zoning: _____

Proposed Building Square Footage: 90,073

Number of Dwelling Units: 78

List of Requested Uses: To develop and build a (4) story affordable senior housing
community consisting of (78) apartment units.

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

Single (4) story building with (78) apartment units. All one or two bedroom. This is
a proposed 2022 tax credit development for seniors. There will be on site office and
staffing. Aside from the apartment units, there will be lots of common space with gathering &
community room, exercise room, computer room, library, sitting area, screened porch, and
sitting areas and gazebo outside.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Regina G. Veach

*Printed Owner Name

Michael Veach

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☒ Other: Estate

Regina Veach

Property Owner Signature

Michael Veach

Property Owner Title (if applicable)

Hendersonville, NC 28792

City, State, and Zip Code

828-606-6728

Telephone

moxieveach@yahoo.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Angela L. Jones
*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☒ Other: Estate

Property Owner Signature

Property Owner Title (if applicable)

Hendersonville, NC 28792
City, State, and Zip Code

828-243-6363
Telephone

moxie1283@live.com
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Donna B. Donabson

*Printed Owner Name

Na

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other:

Donna B. Donabson

Property Owner Signature

Property Owner Title (if applicable)

P.O. Box 250 Edregville, NC 28727

City, State, and Zip Code

(828) 696-5737

Telephone

donna@apple-country.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.


* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

B. Property Owner Contact Information (if different from Applicant)

Jeffrey S. Donaldson
*Printed Owner Name

n/a
Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: 
Property Owner Signature

Property Owner Title (if applicable)

2968 Chimney Rock Rd Hendersonville, NC 28792
City, State, and Zip Code

(828) 696-5788
Telephone

jeff@apple-country.com
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Note: Additional Owner Signature pages attached.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Jennifer McCarson
*Printed Owner Name

n/a
Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☒ Trust ☐ Partnership

☐ Other: _____
Property Owner Signature

Trustee
Property Owner Title (if applicable)

872 Townsend Rd Hendersonville, NC 28792
City, State, and Zip Code

(828) 674-8590
Telephone

jmc Carson68@gmail.com
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.


* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Jeffrey S. Donabson
*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: 
Property Owner Signature

Property Owner Title (if applicable)

2968 Chimney Rock Rd Hendersonville, NC 28792
City, State, and Zip Code

(828) 696-5788
Telephone

jeff@apple-country.com
Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: March 14, 2021

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Hawkins Pointe (P22-16-CZD) – Matthew Manley, AICP – 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: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated _____,] and presented at this meeting and subject to the following::

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Residential Dwellings, Multi-Family

[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

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

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: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – Conditional Zoning District) based on the following:

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

1. The Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public & institutional uses and offices) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4

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. The petition proposes a building mass that is out of scale with the abutting single-family homes to the south of the site.

<div>1. The Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public & institutional uses and offices) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4</div> <div>4. 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:</div> <div><div>1. The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots</div><div>2. The petition provides infill development utilizing existing infrastructure</div><div>3. The petition provides additional housing in close proximity to large employment opportunities, medical needs, shopping and educational centers.</div><div>4. The petition proposes affordable homes for those aged 55+</div><div>5. The petition is in scale with other large medical, institutional, and educational along 6th Ave/US 64 major throughfare corridor.</div><div>6. The MIC zoning district permits hospitals and office buildings by-right up to 50,000 Sq Ft. The proposed multi-family development is less intense than these other permitted uses.</div><div>7. The MIC zoning permits Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities.</div><div>8. Portions of the site plan that are within the National Register Historic District do not contain any existing or proposed structures.</div></div> <div>[DISCUSS & VOTE]</div>	<div><div>2. The petition is partially located in a National Register Historic District and proposes a design and site size which is out of character with abutting properties and the West Side Historic District.</div><div>3. Other permitted uses in the MIC zoning district which contain a residential component have additional limitations which would not permit the scale or density of the proposed project – limitations on 3 of bedrooms/acre, minimum lot size, etc.</div><div>4. The Urban Residential Zoning District requires that only parcels designated as Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center shall be considered for Urban Residential.</div></div> <div>[DISCUSS & VOTE]</div>
--	--

SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Zoning District from David & Clay Cooper with Woda Cooper Companies, Inc (applicant) and Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLC, (property owners). The applicants are requesting to rezone

the subject properties (PINs 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860) from MIC (Medical Institutional Cultural) to UR-CZD (Urban Residential – Conditional Zoning District), for the construction of 49’ 5” tall, 52-unit affordable housing tax credit apartment building on approximately 1.66 acres (Density = 31.3 units/acre). The UR district does not have a density cap.

There is one 3/4-story split building proposed with a total of 55,500 Sq Ft (Gross Floor Area). The stated use of the site is residential, multi-family.

This is a redevelopment project. The site is currently vacant with the exception of 1 building. It was previously occupied by multiple buildings.

PROJECT/PETITIONER NUMBER:	P22-16-CZD
PETITIONER NAME:	Clay Cooper, Woda Cooper Companies, Inc. (applicant) Dr. Leon Elliston, Regional Properties ANC General Partnership and Nicholas Iosue, Castles & Cottages, LLC, (owner / developer)
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Neighborhood Compatibility Summary 4. Tree Board Summary 5. Proposed Site Plan / Elevations 6. Proposed Zoning Map 7. Application / Owner Signature Addendum

HAWKINS POINTE APARTMENTS (P22-16-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES 6

SITE IMAGES 7

REZONING HISTORY – 8

FUTURE LAND USE 9

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

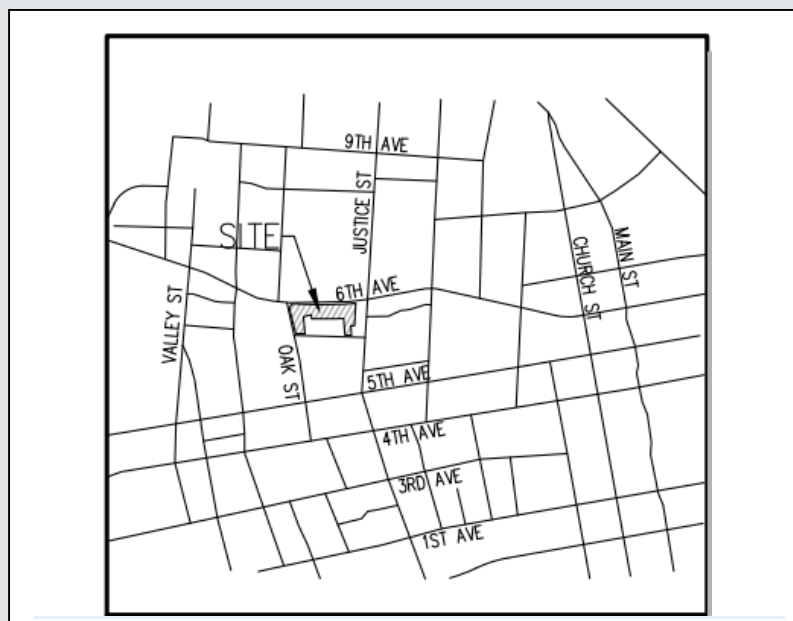
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 12

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 13



PROJECT SUMMARY

- Project Name & Case #:
 - Hawkins Pointe Apartments
 - P22-16-CZD
- Applicant & Property Owner:
 - Dr. Leon Elliston (Regional Properties ANC General Partnership) and Nicholas J. Iosue (Castles and Cottages LLC) [Owners]
 - David Cooper Jr, Woda Cooper Companies, Inc. {Applicant/Developer}
- Property Address:
 - 714, 728, 738, 746 Sixth Ave West, Hendersonville, NC
- Project Acreage:
 - 1.66 Acres
- Parcel Identification (PIN):
 - 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860
- Current Parcel Zoning:
 - MIC (Medical, Cultural, Institutional) Zoning District
- Requested Zoning:
 - UR-CZD (Urban Residential - Conditional Zoning District)
- Future Land Use Designation:
 - Urban Institutional
- Neighborhood Compatibility Meeting:
 - February 28, 2022



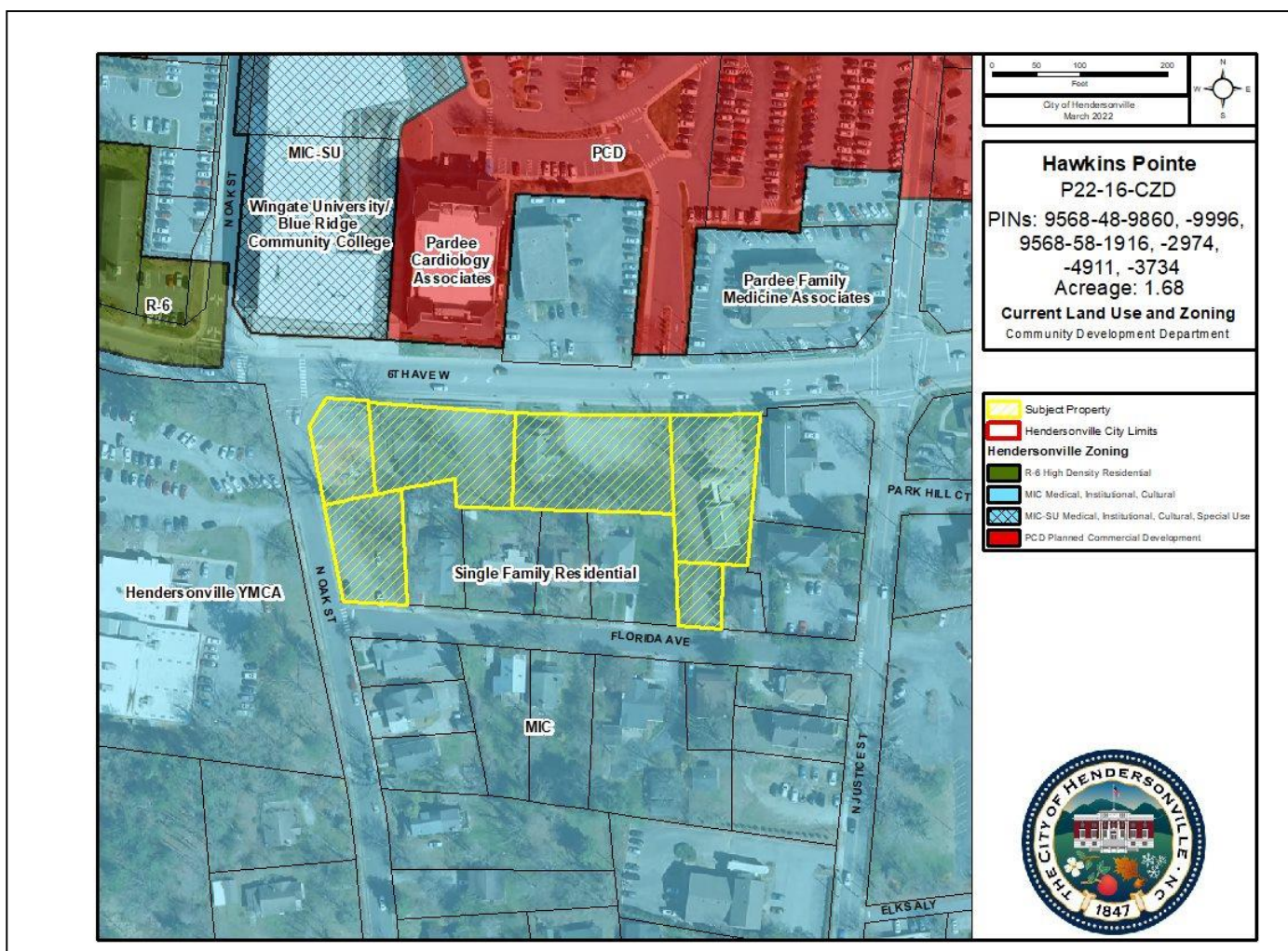
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Zoning District from David & Clay Cooper with Woda Cooper Companies, Inc (applicant) and Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLC, (property owners). The applicants are requesting to rezone the subject properties (PINs 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860) from MIC (Medical Institutional Cultural) to UR-CZD (Urban Residential – Conditional Zoning District), for the construction of 49' 5" tall, 52-unit affordable housing tax credit apartment building on approximately 1.66 acres (Density = 31.3 units/acre). The UR district does not have a density cap.

There is one 3/4-story split building proposed with a total of 55,500 Sq Ft (Gross Floor Area). The stated use of the site is residential, multi-family.

This is a redevelopment project. The site is currently vacant with the exception of 1 building. It was previously occupied by multiple buildings.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning

The subject parcel is within a MIC zoning district that encircles the Pardee Hospital Campus. South of US 64, the MIC district encompasses all of the properties to 5th Ave (including the properties south of 5th Ave) and primarily extends from Fleming St to N Oak St from east to west. The YMCA campus west of N. Oak St is also included in the MIC zoning district.

There are several institutional, medical, educational, and recreational uses in vicinity of this site. In closest proximity are the Wingate University building and Pardee Hospital north of 6th Ave, the Elks Lodge to the east and the YMCA to the west. Additionally, Hendersonville Elementary, Middle and High School are less than ½ mile walk from the site. Main St is also less than ½ mile from the site.

A portion of the subject property is within the West Side National Register Historic District. The parcels included in the designation are vacant and no longer contain structures. This National Register District extends south of the subject property towards 3rd Ave and extends east to west from Buncombe St to Blythe St.

SITE IMAGES



View of proposed parking drive aisle on east side of site



View along 6th Ave (Hwy 64)

SITE IMAGES



View of adjacent single-family homes at rear of project site



View from center of site facing west. Existing structure to be demolished.

SITE IMAGES



Large White Oak on site



Intersection of Florida Ave at N. Oak St

SITE IMAGES



View along Florida Ave



Possible parking for neighboring uses currently utilizing site

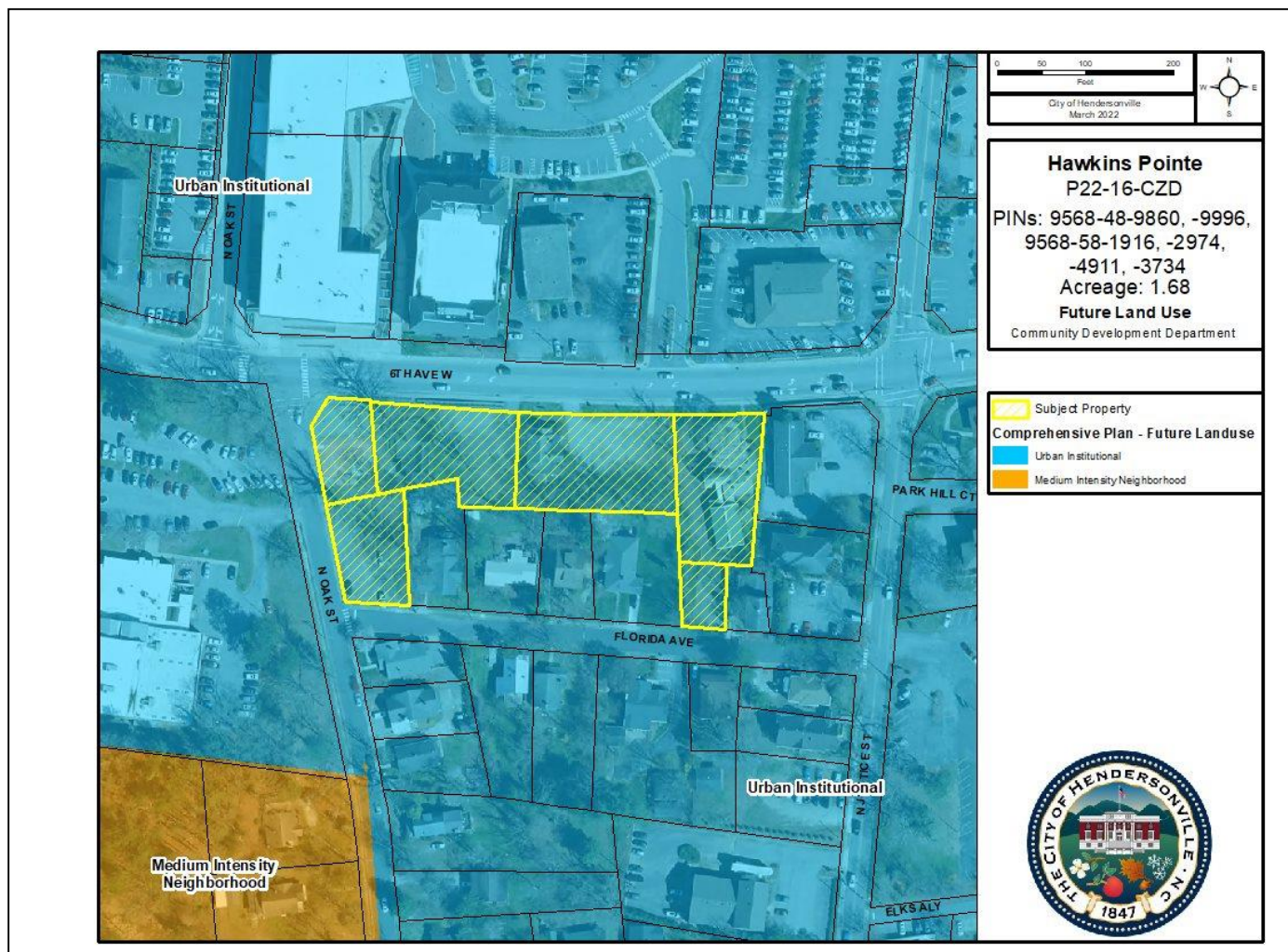
REZONING HISTORY –

Prior Zoning	Summary of Prior Petition	Status
Unknown		
MIC	City-initiated creation of MIC District	Approved 3-4-65

The specific previous zoning for this currently vacant parcel is unknown but we do know that the site had previously been occupied by 5 buildings as recently as 2015.



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is located within an area designated as Urban Institutional. This designation encompasses an area that generally runs east to west from N Church St to Blythe St and south to north from 5th Ave to north of 9th Ave. Medium Intensity Neighborhood is the only other Future Land Use designation in proximity of the site and is found to the southwest of Florida Ave.

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

COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	<p>Goal LU-12 - Urban Institutional: Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown [CONSISTENT]</p> <p>Strategy LU-12.1. Locations:</p> <ul style="list-style-type: none"> • Area surrounding Pardee Memorial Hospital [CONSISTENT] <p>Strategy LU-12.3. Secondary recommended land uses:</p> <ul style="list-style-type: none"> • Multi-family residential [CONSISTENT] <p>Strategy LU-12.4. Development guidelines:</p> <ul style="list-style-type: none"> • Similar development standards to Downtown Support • Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown [INCONSISTENT] • Development and maintenance of traffic calming improvements [LIMITED] <p>Strategy LU-11.4 (Downtown Support) Development Guidelines:</p> <ul style="list-style-type: none"> • Minimal front setback [CONSISTENT] • Rear or limited side parking only [CONSISTENT] • Façade articulation [CONSISTENT] • Ground-floor storefronts and/or architectural detailing on parking structures [INCONSISTENT]
Land Use & Development	<p>Growth Management (Map 8.3a):</p> <p>Primarily designated as a “Priority Infill Area” - Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [consistent]</p> <p>Southern portions are designated as “Historic Preservation Area” - National or local historic districts in which the City should uphold policies that preserve historic integrity and character [INCONSISTENT].</p> <p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.</p> <p>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a. [CONSISTENT]</p> <p><u>Infill development:</u> Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land.</p> <p>-Centers for Disease Control and Prevention, Healthy Places Terminology</p> <p>Examples of opportunities for infill development include:</p> <ul style="list-style-type: none"> • Scattered vacant lots • Underutilized commercial properties
Population & Housing	<p>Strategy PH-1.1 – Promote compatible infill development</p> <p>Strategy PH-2.2 – Encourage provision of affordable housing units in new developments.</p> <p>Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.</p>

Natural & Environmental Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Cultural & Historic Resources	Two parcels included in the rezoning process along Florida Ave are included in the West Side National Register Historic District Goal CR-1 - Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.
Community Facilities	Strategy CF-1.3. Encourage location of community facilities in mixed-use community centers with excellent multimodal access.
	Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.
Water Resources	The proposed project would be serviced by City Water and Sewer.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Design (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and focuses on both the quality and quantity of stormwater.
Transportation & Circulation	The project is located on a Major Thoroughfare (6 th Ave) according to Map 7.3a.
	Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-3.1. Continue to develop and require a <u>connected</u> street grid.
	Strategy TC-5.1. Incorporate aesthetic improvements such as landscaped medians and street trees along roadways.

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	<p>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</p> <p><u>Compatibilities:</u></p> <ul style="list-style-type: none"> - Given the wide range of intense uses that are present in the surrounding area and permitted within the MIC zoning district, the proposed project could be considered compatible. The MIC Zoning District permits similar residential uses such as Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities. - Given the level of traffic and classification of 6th Ave / US 64 as a Major Thoroughfare, the project could be considered compatible. - The massing of the building refers to the aggregate size of a building, or the total height, width, and depth of all its parts. The massing of the proposed building is 45' 9" tall, 63' deep x 264' wide. The massing is in scale with the other medical / institutional uses in the vicinity of the project: Wingate – 3-story, 133'x300'; Pardee Medical Office – 2-story, 100'x170'; YMCA – 2-story, 155'x185' etc. <p><u>Incompatibilities:</u></p> <ul style="list-style-type: none"> - The current and surrounding zoning of MIC does not permit multi-family residential uses. Minor PRD is permitted at a rate of 5.5 units/acre which would only allow 9 townhomes on this site. Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities, though similar to the proposed use, are only permitted in the MIC District on sites with a minimum of 3 acres. - The height of the proposed project is significantly taller than the 1 - 1.5-story single-family homes found along Florida Ave. The massing of this building (3/4-story split and 63' x 264') is out of scale with the surrounding single-family neighborhood. - Additionally, the National Register Historic District is a factor that suggests a development of this scale and design would be incompatible. However, the portions of the site plan that are within the NR District do not contain any proposed structures.
Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p> <p>Affordable housing needs continue to be a significant concern as housing demand far surpasses housing supply in our area. The need for housing within close proximity of the Medical, Institutional and Cultural uses in this district has not been addressed by recent housing projects as the MIC zoning district does not permit multi-family housing.</p>

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 -
	The proposed 52 residential units would provide much needed additional housing while making efficient use of land (under 2 acres) within walking distance to a number of opportunities for employment, recreation, education and shopping.
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 -
	As an infill project, city services and facilities are in place to serve the project without costly extensions or new maintenance requirements. A Water / Sewer Availability Request has not been submitted for this project. US 64 is a NCDOT maintained road while Florida Ave and N. Oak St are both local streets maintained by the City of Hendersonville. US64/6 th Ave is designated as major throughfare with sidewalk facilities. The project is sited along existing Apple Country public transportation routes (red and white routes).
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, storm water management, streams, vegetation, wetlands and wildlife -
	This site was previously developed and is proposed to be redeveloped. Some exiting mature urban canopy trees would be lost as result of this project (8 of 16 to be removed. New plantings, including street trees, would provide canopy trees (10), small shade trees (20), and shrubs.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public & institutional uses and offices) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4.

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:

DRAFT [Rationale for Approval]

- *The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots*
- *The petition provides infill development utilizing existing infrastructure*
- *The petition provides additional housing in close proximity to large employment opportunities, medical needs, shopping and educational centers.*
- *The petition proposes affordable homes for those aged 55+*
- *The petition is in scale with other large medical, institutional, and educational along 6th Ave/US 64 major throughfare corridor.*
- *The MIC zoning district permits hospitals and office buildings by-right up to 50,000 Sq Ft. The proposed multi-family development is less intense than these other permitted uses.*
- *The MIC zoning permits Congregate Care, Nursing Homes, Rest Homes and Progressive Care Facilities.*
- *Portions of the site plan that are within the National Register Historic District do not contain any existing or proposed structures.*

DRAFT [Rational for Denial]

- *The petition proposes a building mass that is out of scale with the abutting single-family homes to the south of the site.*
- *The petition is partially located in a National Register Historic District and proposes a design and site size which is out of character with abutting properties and the West Side Historic District.*
- *Other permitted uses in the MIC zoning district which contain a residential component have additional limitations which would not permit the scale or density of the proposed project – limitations on 3 of bedrooms/acre, minimum lot size, etc.*
- *The Urban Residential Zoning District requires that only parcels designated as Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center shall be considered for Urban Residential.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- Site Plan Summary:
 - The site plan accompanying this petition contains the following provisions:
 - 52-Unit Apartment Development on 1.66 Acres (Density = 31.3 Units/Acre)
 - 1 – 3/4-story split building (45' 9" Height)
 - 51,500 Sq Ft of Gross Floor Area
 - Access on Major Thoroughfare
- Proposed Uses:
 - Residential, Multi-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - As noted in the development summary the proposed development is actually a net decrease in the impervious coverage on the property. However, due to existing stormwater issues in the Florida Ave and the Wash Creek subwatershed the developer agrees to provide stormwater retention for the 1 year – 24-hour storm event to help mitigate runoff issues from the site. The proposed system will consist of an underground system that provides stormwater quantity controls only.
 - Proposed development is LIHTC (low-income housing tax credit) with all (52 units) of the units at or below 80% AMI. Proposed development will provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.
 - Developer will contract a third-party professional to monitor the existing home foundations during the construction process. This is limited to the following 4 adjacent properties (Parcels 9568580820-Keates, 9568581873-Faust, 9568582843-Faust and 9568582758-Smolksi/Crabtree).
 - Developer will contract with an arborist to evaluate the existing 48" oak on 6th Ave and the 60" maple on Oak St to determine the existing health of the trees and the viability of them surviving the proposed development and improvements. If the arborist feels the trees are in good condition and will survive developer will take the necessary precautions to protect the trees during the construction process. If the arborist does not believe that the trees are in good health and will not survive the construction process the trees shall be replaced with large canopy trees.
 - Developer shall provide evergreen shrubs and landscape planter at intersection to provide buffer screen for proposed parking.

- Developer proposes to increase visual interest with varied heights of the parapet along each facade as well as the heights of the wall projections.
- All preserved trees will have english ivy removed from the trunks and limbs.
- Developer Proposed Conditions:
 - Developer request that relief be granted from Section 5-25-2 of the Zoning Code as it relates to Future Land Use Designation of Urban Institutional not being listed as a permitted designation for Urban Residential zoning.
 - Based on the site constraints and the project being affordable housing the developer request to keep the building facade projections to 1'. Since this building does not have a hipped roof, increasing the depth of the projections along the façade does not add a significant amount of variation to the elevations. To help increase visual interest, we have varied the heights of the parapet along each façade as well as the heights of the wall projections. Since the site is very tight as is, we would like to propose keeping the projections at 1' instead of 2', as we believe the elevations provide enough variation and visual interest as is.
 - Developer shall provide tree protection during construction process. As discussed during the tree board meeting, the proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible.
 - Developer has provided a preliminary Trip Generation Memo Comparison from JM Teague to the City but request that the full Traffic Impact Analysis be deferred and performed after the rezoning is approved.
 - Developer request to reduce the width of the Type "B" buffer from 10' to 8' along the side yards for PINS 9568-58-2758 and 9568-58-3783. Due to the narrowness of the property it is not feasible to provide the minimum required width of 24' for the driveway and 5' for the sidewalk. The proposed plantings will remain the same.

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Central Mixed Use (5-19) and Site Plan Review (7-3) with the following

exceptions:

- Per 5-25-2 – The Urban Institutional Future Land Use Designation is not one of the listed FLUDs that permits Urban Residential zoning. Those permitted include: Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center. [see proposed developer condition]
- Per 5-25-5.4 & 18-6-4.8 - Vinyl Siding would not be considered compatible with the architectural vernacular of the region nor similar to the materials already being used in the neighborhood. [resolved]
- Per 5-25-5.6 / 5.8 Consider “street wall” (brick or wrought iron with brick columns) at the corner of 6th Ave and N Oak St to offset lack of building edge and to create a comfortable pedestrian realm. Also see Section 15-9 b) of Landscaping Chapter for info on walls adjacent to streets. [resolved]
- Per 5-25-5.12 - Provide details on Elevations to address the standards required under b) 1,2,3. [unresolved – see developer proposed condition]
- Per 5-25-5.13 - Provide sidewalk connection to Florida Ave on east side of site. Provide crosswalk and sidewalk connection in the bump-outs in the parking area on the west side parking lot. [unresolved]
- Per 5-25-5.15 - Existing sidewalks need to be increased to 7' along the perimeter of the site. At a minimum the sidewalks on 6th Ave shall be widened to 7'. See 5.17 for information on street trees if they would be impacted as proposed. [resolved]
- Per 5-25-5.18 - Ensure that no parking space along the Keats property is more than 45' from a tree. Ensure Section 15-9 c) is met as required by 5-25-5.18. [resolved]
- Per 5-25-5.20 e) - An additional amenity is required [resolved]
- Provide Landscaping calculations [resolved]

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- Need back-flow prevention on fireline - will need to apply and have approval from city before install

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL**Site Plan Comments:**

- The location of the FDC is important. If on the front of the building and want use the hydrant on North side of 6th Ave, then 6th Ave will be shut down. If FDC is on East side of building a hydrant will be required since maximum distance between hydrant and FDC is 100 feet. If hydrant on Oak Street used for FDC a hot box will be required to keep the distance less than 100 feet. A standpipe system will be required due to height of building.

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR**Site Plan Comments:**

- There are known stormwater infrastructure issues on Florida Ave and along the Wash Creek subwatershed in general.

Proposed City-Initiated Conditions:

- The City is requesting that the developer provide retention for 1yr-24hr Storm event to help mitigate additional runoff from the site. While there is no increase in pre. vs. post development impervious area, it should be noted that none of the previous properties had stormwater controls in place and this development provides an opportunity to address those existing deficiencies.

FLOODPLAIN ADMINISTRATOR**Site Plan Comments:**

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS**Site Plan Comments:**

- Trunks of new tree plantings are not permitted within 35' of intersection
- Encroachment permits are needed for the two driveways: Oak Street and Florida Avenue.

Proposed City-Initiated Conditions:

- None

NCDOT**Site Plan Comments:**

- No Street Tree trunks permitted within the Sight Triangle on 6th Ave/US64. Shift center of tree outside of sight triangles.
- Driveway Permit needed for two access points on 6th Ave (US 64). Submit site

plan to NCDOT.

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

Site Plan Comments:

- The Urban Residential District has the following statement:
 - 5-25-2.3.1 Traffic impact analysis. A traffic impact analysis developed in compliance with section 6-19 below is required for all urban residential developments and shall be submitted with the application for the urban residential development. The city may defer the traffic impact analysis until after a rezoning to a conditional zoning district is approved for the project only in those circumstances where city council, in the absence of a traffic impact analysis, finds that the existing public road system has adequate capacity to handle projected traffic flow as required by section 7-11, below.

Developer Proposed Condition Response:

- The City's consulting Transportation Engineer makes the following recommendation:
 - In looking at this section of 6th Ave, there is approximately 14,000 vehicles per day. 6th Ave has a theoretical capacity of 18,000 to 20,000 vpd +/- . So theoretically we are at a volume to capacity ratio of 0.7 or 70%. The proposed development only adds around 300 vpd so it will not exceed the v/c ratio or capacity of the develop, This may be used as justification for deferring the TIA according to the provisions of the Zoning Ordinance.

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 BY CHANGING THE ZONING DESIGNATION FROM MIC (MEDICAL INSTITUTIONAL CULTURAL) TO UR (URBAN RESIDENTIAL – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860
Addresses: 745 Florida Ave; 738 6th Ave W; 728 6th Ave W; and 714 6th Ave W
Hawkins Pointe (File # P22-16-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, David & Clay Cooper with Woda Cooper Companies, Inc and property owners, Dr. Leon Elliston with Regional Properties ANC General Partnership and Nicholas Iosue with Castles & Cottages, LLCfor the development of 52 Apartments on approximately 1.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2022; voting 0-0 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 May 5, 2022, and

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: 9568-58-3734; 9568-58-4911; 9568-58-2974; 9568-48-9996; 9568-58-1916 and 9568-48-9860 from MIC (Medical Institutional Cultural) to UR (Urban Residential – Conditional Zoning District).
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
City-Initiated:
 - i. The developer shall provide retention for 1yr-24hr Storm event to help mitigate additional runoff from the site.
 - ii. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4.c). regardless of use as tree credits.
 - iii. All preserved trees must have the English Ivy removed from the trunks and limbs.
 - iv. All private land trees that are adjacent to this project are required to have the construction barrier protection as prescribed in the zoning code 15-4.c).
 - v. Preserve and protect the 48-inch Oak and 60-inch Maple near the northwest corner of the property.
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th day of May 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Clay Cooper, Woda Cooper

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Regional Properties ANC General Partnership, Dr. Leon Elliston

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Castles & Cottages, Nicholas Iosue.

Signature:_____

Printed Name:_____

Title:_____

Date:_____



NEIGHBORHOOD COMPATIBILITY MEETING REPORT

HAWKINS POINTE (P22-16-CZD)

NCM Meeting Dates: February 28, 2022

PETITION REQUEST: Rezoning: Urban Residential - Conditional Zoning District (UR)

APPLICANT/PETITIONER: Woda Cooper Development, INC (Clay Cooper)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on February 28, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 1.5 hours.

There were 11 members of the public in attendance in-person with 2 others attending virtually. Additionally, in attendance were the applicants, 3 members of City staff and 2 Planning Board members.

Staff gave the formal introduction and a brief overview of the request.

There were 4 pre-submitted comments which are available upon request to City Staff. Three of these pre-submitted comments were read at the meeting with the author of the 4th pre-submitted opting to read her comments directly to the developer.

Following the pre-submitted comments read by staff, the development team was then allowed to present their Low-Income Tax Credit Housing project for Ages 55+.

Concerns and questions from the public related to impacts to historic character, noise, stormwater runoff, upholding existing zoning, privacy, buffering, lighting, parking, density, enforcement of community rules, traffic congestion, landscaping/impact to existing trees, increased crime, impact to Airbnb listing, height of buildings, "fitting" with the existing neighborhood, negative online reviews of developer, etc.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.



TREE BOARD RECOMMENDATION
HAWKINS POINTE (P22-16-CZD)
MARCH 15, 2022

PETITION REQUEST: Rezoning: Urban Residential - Conditional Zoning District (UR)

APPLICANT/PETITIONER: Woda Cooper (Clay Cooper)

TREE BOARD ACTION SUMMARY:

Rezoning: Conditional Zoning District – Hawkins Pointe (P22-16-CZD) – *Matthew Manley, AICP – Planning Manager*

The developer presented to the Tree Board at a regular meeting on March 15, 2022. The following Tree Board members were present: Mac Brackett, Mark Madsen, Glenn Lange, Pat Christie, Andy Crawford, and Council Member Debbie Roundtree. Members absent were Mary Davis and Landon Justice. The following recommendations were made:

SUMMARY

There are a total of 16 trees on this site. Eight are planned for removal. The Tree Board and Staff discussed shifting things around to attempt to save two large mature trees.

MOTION

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following development conditions be placed on this property:

1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4.c). regardless of use as tree credits.
2. All preserved trees must have the English Ivy removed from the trunks and limbs.
3. All private land trees that are adjacent to this project are required to have the construction barrier protection as prescribed in the zoning code 15-4.c).
4. Preserve and protect the 48-inch Oak and 60-inch Maple near the northwest corner of the property.

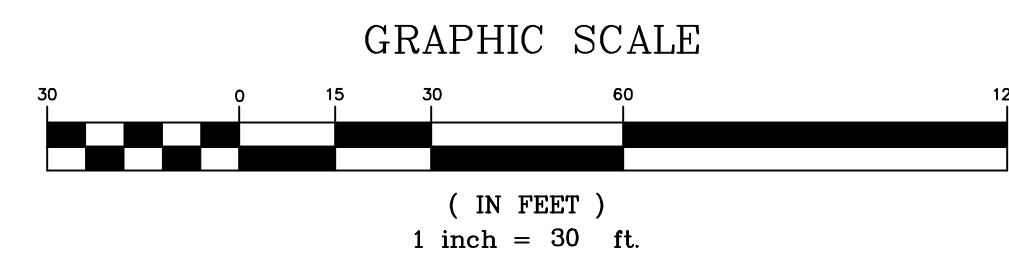
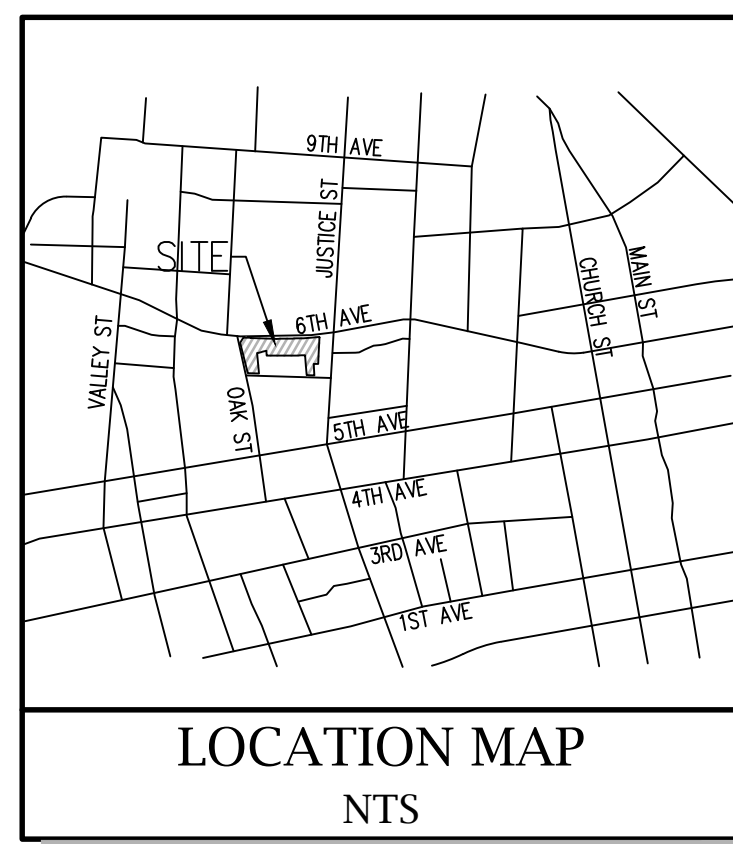
BOARD ACTION

Motion: Lange

Yeas: All

Nays: None

Recused: None



LANDSCAPING CALCULATION:

PERMETER AND INTERIOR PLANTINGS

1 TREE AND 2 SHRUBS REQUIRED FOR EVERY 1,500 SQ. FT. OF VEHICULAR USE AREA.

-TOTAL VEHICULAR USE AREA: ±25,800 SF

-TOTAL TREES REQUIRED/PROPOSED: 18/18

WHEN A DEVELOPMENT CONTAINS 20 OR MORE PARKING SPACES, 50 PERCENT OF THE TOTAL VEHICULAR USE AREA SHALL BE REQUIRED TO BE PLANTED IN ISLANDS OR MEDIANS LOCATED WITHIN THE PARKING LOT.

10' TYPE "B" BUFFER YARD

-BUFFER ADJACENT TO RESIDENTIAL USES (PINS 9568580820, 9568581873, 95685862843, 9568582758 & 9568583783)

4 BROADLEAF CANOPY TREES, 25 EVERGREEN SHRUBS AND 33 FLOWERING SHRUBS PER 100 LINEAR FEET.

-TOTAL LENGTH 731 LF

-TOTAL REQUIRED CANOPY TREES: 30

-EXISTING TREE CREDITS:

(24" BLACK WALNUT AND 26" HARDWOOD) 21

-TOTAL PROPOSED CANOPY TREES: 9

-TOTAL PROVIDED CANOPY TREE/CREDITS: 30


-TOTAL REQUIRED/PROPOSED EVERGREEN SHRUBS: 183/183

-TOTAL REQUIRED/PROPOSED FLOWERING SHRUBS: 242/242

NO LANDSCAPING SHALL BE WITHIN THE SIGHT TRIANGLES.

PROPERTY OWNERS:	1	SIXTH AVENUE LLC 14 MCDOWELL STREET ASHEVILLE, NC 28801
	2	REGIONAL PROPERTIES A NC GENERAL PARTNERSHIP 14 MCDOWELL STREET ASHEVILLE, NC 28801
	3	CASTLES AND COTTAGES, LLC 265 ROANKE RD FLETCHER, NC 28732
PARCEL #:		9568583734, 956884911, 9568582974, 9568581916, 9568483995 & 9568489960
DEED BOOK & PAGE:		3108/643, 1221/642, 816/168, & 1691/331
TOTAL SITE ACREAGE:		±1.68 AC (±73,030 SF)
CURRENT ZONING:		MC
PROPOSED ZONING:		UR
EXISTING USE:		VACANT/BUILDINGS
PROPOSED USE:		MULTI-FAMILY HOUSING (SENIOR)
PROPOSED UNITS:		52 UNITS
PROPOSED DENSITY:		30.95 DU/AC
PROPOSED BUILDING HEIGHT:		45'- (9" GRADE-COPING FOR FLAT ROOF)
FRONT SETBACK:		14' (FROM EX/PROP BACK OF CURB)
SIDE YARD:		5'
REAR YARD:		10'
REQUIRED PARKING:		52
- 1.0 SPACE PER UNIT (ELDERLY MULTIFAMILY DWELLING)		
PROPOSED PARKING:		56
OPEN SPACE/FOOTPRINT REQUIRED		
- PROPOSED FOOTPRINT:		±15,600 SF
- GROSS FLOOR AREA (EXCLUDING GAZEBO):		±55,500 SF
- REQUIRED MINIMUM OPEN SPACE:		30% (21,909 SF)
- PROPOSED OPEN SPACE:		30% (21,909 SF)
- PROPOSED ASPHALT AREA:		±25,800 SF
- PROPOSED SIDEWALK AREA:		±3,060 SF
- TOTAL PROPOSED BUILT UPON AREA:		±44,460 SF
- REQUIRED MINIMUM COMMON OPEN SPACE:		7,303 SF
(10% OF TOTAL SITE)		
- PROPOSED COMMON OPEN SPACE:		7,303 SF
(HATCHED AREA INDICATED COMMON OPEN SPACE)		
EXISTING/FORMER IMPERVIOUS COVERAGE		
- EXISTING BUILDINGS AREA:		±12,900 SF
- EXISTING ASPHALT AREA:		±24,600 SF
- EXISTING GRAVEL AREA:		±12,200 SF
- TOTAL EXISTING BUILT UPON AREA:		±49,700 SF

DEVELOPMENT SUMMARY



Mc²
ENGINEERING

MC² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
HAWKINS POINTE
6TH AVENUE
HENDERSONVILLE, NC

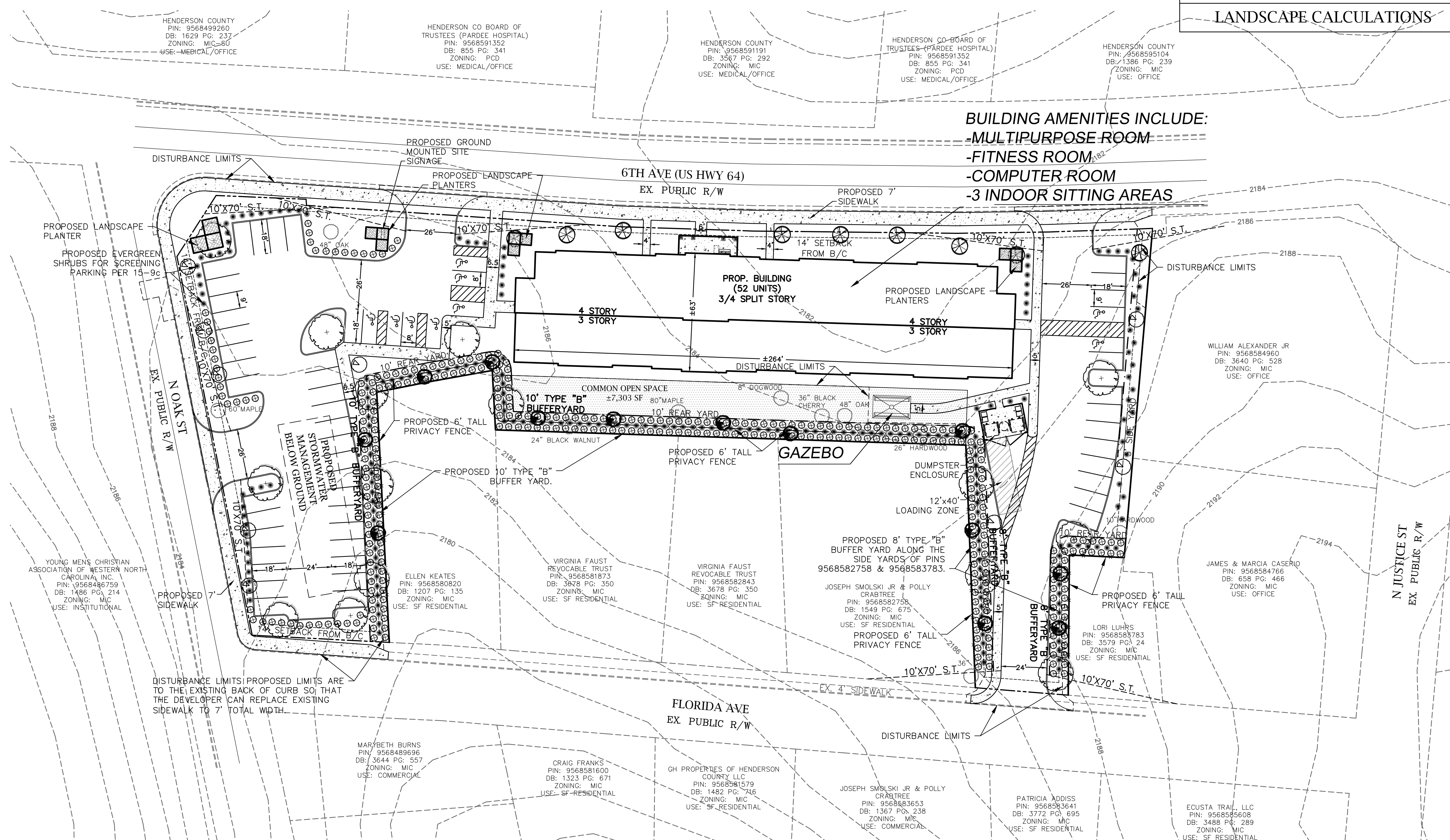
DEVELOPED BY:
**WODA COOPER
DEVELOPMENT, INC**
500 SOUTH FRONT STREET, 10th FLOOR
COLUMBUS, OH 43215

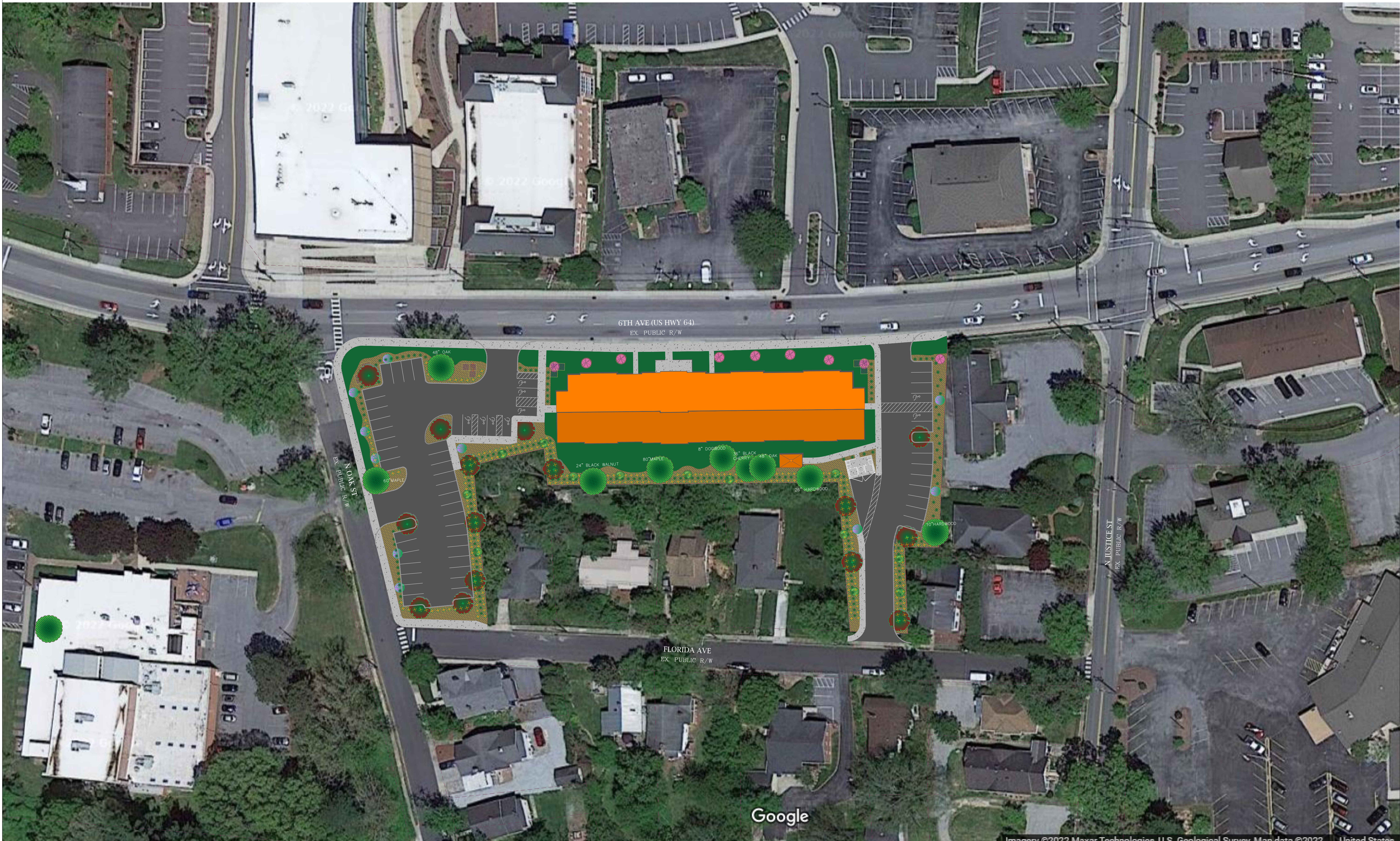
REZONING SITE PLAN

REVISIONS		
1	3/4/22	REVISED GAZEBO/BLDG/PARKING
2	3/10/22	HENDERSONVILLE COMMENTS
3	3/21/22	HENDERSONVILLE COMMENTS
4	3/28/22	HENDERSONVILLE COMMENTS
4	3/30/22	HENDERSONVILLE COMMENTS

CAD FILE: 22-004 BASE.DWG
PROJECT NO.: 22-004
DESIGNED BY: JDM
DATE: JANUARY 14, 2022

RZ1.0





Mc²
ENGINEERING

Mc² ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
HAWKINS POINTE
6TH AVENUE
HENDERSONVILLE, NC

DEVELOPED BY:
**WODA COOPER
DEVELOPMENT, INC**
500 SOUTH FRONT STREET, 10th FLOOR
COLUMBUS, OH 43215

**RENDERED
SITE PLAN**

REVISIONS		
1	3/4/22	REVISED GAZEBO/BLDG/PARKING
2	3/10/22	HENDERSONVILLE COMMENTS
3	3/21/22	HENDERSONVILLE COMMENTS

CAD FILE: 22-004 BASE.DWG
PROJECT NO.: 22-004
DESIGNED BY: JDM
DATE: JANUARY 14, 2022

RZ5.0



REAR ELEVATION



LEFT ELEVATION

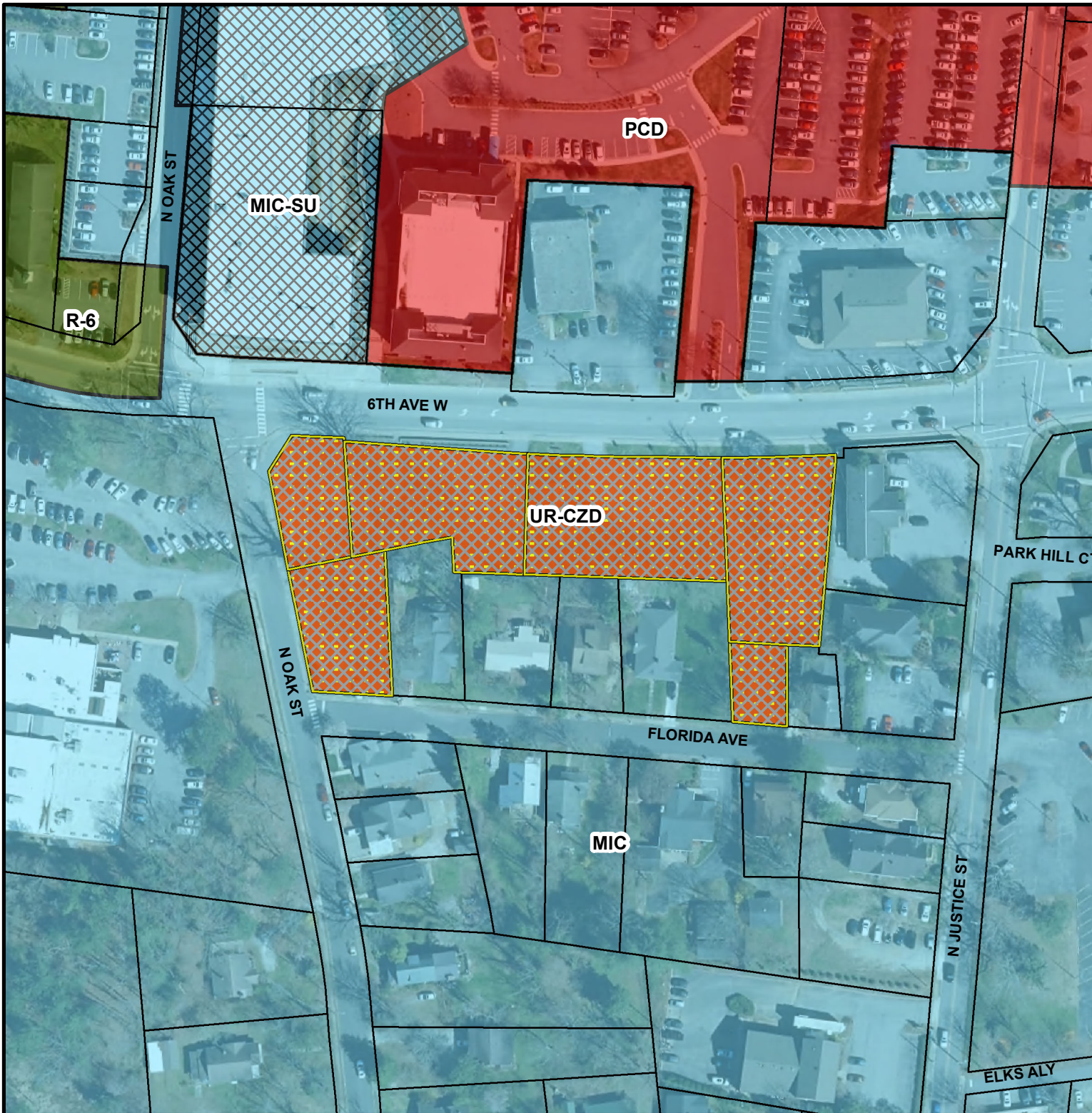


RIGHT ELEVATION








FRONT ELEVATION

Hawkins Pointe
Hendersonville, North Carolina



Hawkins Pointe
P22-16-CZD
PINs: 9568-48-9860, -9996,
9568-58-1916, -2974,
-4911, -3734
Acreage: 1.68
Proposed Zoning
Community Development Department

-  Subject Property (Urban Residential CZD)
- Hendersonville Zoning**
-  R-6 High Density Residential
 -  MIC Medical, Institutional, Cultural
 -  MIC-SU Medical, Institutional, Cultural, Special Use
 -  PCD Planned Commercial Development





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010|Fax (828) 698-6185

www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☒ 2. Water and Sewer Availability Request
- ☒ 3. Completed Application Form
- ☒ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☒ 6. Detailed explanation of any Proposed Development Description
- ☒ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- **Henderson County Sedimentation & Erosion Permit**
- **Stormwater Management Plan**
- **Utility Approval**
- **NCDOT Permit**
- **Any other applicable permits as determined by the Community Development**

[Application Continued on Next Page]

Office Use:

Date Received: _____ **By:** _____ **Fee Received? Y/N**

A. Applicant Contact Information

David Cooper Jr.
* Printed Applicant Name

Woda Cooper Companies, Inc.
Printed Company Name (if applicable)

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____


Applicant Signature

President
Applicant Title (if applicable)

500 S. Front Street, 10th Floor
Address of Applicant

Columbus, OH 43215
City, State, and Zip Code

614.396.3200
Telephone

dcooper@wodagroup.com
Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

B. Property Owner Contact Information (if different from Applicant)

Dr. Leon Elliston

*Printed Owner Name

Sixth Avenue LLC

Printed Company Name (if applicable)

☐ Corporation

☒ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other: _____

Leon Elliston

dotloop verified
02/14/22 1:27 PM EST
K1WS-ZPNT-V4W4-N9AY

Property Owner Signature

Property Owner Title (if applicable)

14 McDowell Street, Asheville, NC 28801

City, State, and Zip Code

828-273-2472

Telephone

elliston_1@hotmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Note: Additional Owner Signature pages attached.

C. Property Information

Name of Project: Hawkins Pointe

PIN(s): 9568583734; 9568584911; 9568582974; 9568489996; and 9568489860

Address(es) / Location of Property: 714, 728, 738, 746 Sixth Ave West, Hendersonville, NC
and 745 Florida Avenue, Hendersonville, NC

Type of Development: X Residential Commercial Other

Current Zoning: MIC

Total Acreage: 1.66

Proposed Zoning: UR - Urban Residential

Proposed Building Square Footage: 63,360

Number of Dwelling Units: 60

List of Requested Uses: Age restricted (55+), 60 unit apartment building.

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

Hawkins Pointe is a 60 unit, age restricted (55+), development that will consist of only 1 and 2 bedroom units. The property will be affordable to seniors making up to 80% of the area median income.

Hawkins Pointe will have 44 1-bedroom units and 16 2-bedroom units. The development will have a laundry room, mail and package area, leasing office, indoor sitting common areas, a multipurpose room with a kitchen, a gazebo, a covered patio with seating, a computer room, and an exercise room.

The building will not exceed 4 stories in height.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

Dr. Leon Elliston

*Printed Owner Name

Regional Properties ANC General Partnership

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☒ Partnership

☐ Other:

Leon Elliston

dotloop verified
02/14/22 1:27 PM EST
RI9C-JK6O-P09H-D5QX

Property Owner Signature

Property Owner Title (if applicable)

14 McDowell Street, Asheville, NC 28801

City, State, and Zip Code

828-273-2484

Telephone

elliston_1@hotmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Nicholas J Iosue

*Printed Owner Name

Castles and Cottages LLC

Printed Company Name (if applicable)

☐ Corporation
 ☒ Limited Liability Company
 ☐ Trust
 ☐ Partnership

☐ Other: _____

Nicholas J Iosue

Property Owner Signature

Member

Property Owner Title (if applicable)

265 Roanoke Rd., Fletcher, NC 28732

City, State, and Zip Code

828-545-7577

Telephone

nickiosue9@gmail.com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: March 14, 2021

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Southgate Apartments (P21-62-CZD) – *Matthew Manley, AICP – 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 (PIN: 9568-75-5382) from C-2, Secondary Business 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 _____], and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

1. Residential Dwellings, Multi-Family

[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City & Developer) and not yet represented on the site plan, please use the following language, disregard #2 if not needed]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

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

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 (PIN: 9568-75-5382) from C-2, Secondary Business to CMU-CZD Central Mixed Use - Conditional Zoning District based on the following:

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

1. The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4.

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. The petition would add an additional 67,225 Sq Ft of buildings, parking lots and streets to a parcel currently utilized for flood storage. This would make 48.7% of the site impervious.
2. The petition proposes parking and grading of 25% of the site's 100-Year floodplain which exceeds that which is permitted by the City's Zoning Ordinance.

<div><div><div>1. The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4.</div><div>4. 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:<div><div>1. The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots</div><div>2. The petition provides infill development utilizing existing infrastructure</div><div>3. The petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services</div><div>4. The petition provides a transition from uses of high intensity to lower intensity uses</div><div>5. The existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 Sq Ft. The petition for multi-family housing in the CMU District provides greater compatibility with surrounding land uses than other potential by-right developments.</div><div>6. The proposed development provides access from a major thoroughfare</div></div><div>[DISCUSS & VOTE]</div></div></div></div>	<div><div><div>3. The petition is requesting to add fill to the 100-Year floodplain at a level which exceeds that which is permitted by the City’s Zoning Ordinance.</div><div>4. The scale, massing and/or architectural design of the proposed building is not compatible with existing character of the neighborhood between Israel St and Kanuga Rd.</div><div>5. Israel St is a substandard local street which is not designed to accommodate additional traffic.</div><div>6. 17 of 21 mature trees on the site will be removed.</div></div><div>[DISCUSS & VOTE]</div></div>
--	--

SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Suzanne Godsey of Sitework Studios, applicant and David W. Royster, III of Capitol Funds, Inc., property owner. The applicants are requesting to rezone the subject property (PIN 9568-75-5382) from C-2, Secondary Business to CMU-CZD, for the construction of a 60’ tall, 70-unit apartment building on approximately 3.63 acres. The Central Mixed Use district does not have a density cap.

There is one 4-story building proposed with a total of 81,897 Sq Ft (Gross Floor Area). The stated use of the site is residential, multi-family.

The site is currently vacant and contains approximately 1.44 Acres of 100-year floodplain (40%). The site features a cluster of mature trees alongside Israel St – most of which are proposed to be removed and the area will be replanted. The site had previously been occupied for outdoor storage.

This project required a conditional rezoning due to the scale of the proposed development exceeding 50,000 Sq Ft and more than 50 units.

PROJECT/PETITIONER NUMBER:	P21-62-CZD
PETITIONER NAME:	Suzanne Godsey, Site Work Studios (applicant) David W.Royster III, Capitol Funds, Inc. (owner / developer)
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Draft Ordinance 3. Neighborhood Compatibility Summary 4. Tree Board Summary 5. Proposed Site Plan / Elevations 6. Proposed Zoning Map 7. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING - SOUTHGATE APARTMENTS (P21-62-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES..... 7

SITE IMAGES..... 8

SITE IMAGES..... 9

REZONING HISTORY – 10

FUTURE LAND USE 11

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 12

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 14

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 15

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 16

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 17



- Project Name & Case #:
 - Southgate Apartments
 - P21-62-CZD
- Applicant & Property Owner:
 - David Royster III, Capitol Funds, Inc. [Owner/Developer]
 - Suzanne Godsey, Sitework Studios [Applicant]
- Property Address:
 - N/A [Behind Fresh Market / between Israel St and S. Main St]
- Project Acreage:
 - 3.63 Acres
- Parcel Identification (PIN):
 - 9568-75-5382
- Current Parcel Zoning:
 - C-2 Secondary Business
- Requested Zoning:
 - CMU-CZD (Central Mixed Use - Conditional Zoning District)
- Future Land Use Designation:
 - High Intensity Neighborhood
 - Natural Resource / Agricultural
- Neighborhood Compatibility Meeting:
 - October 21, 2021
 - October 29, 2021



SITE VICINITY MAP

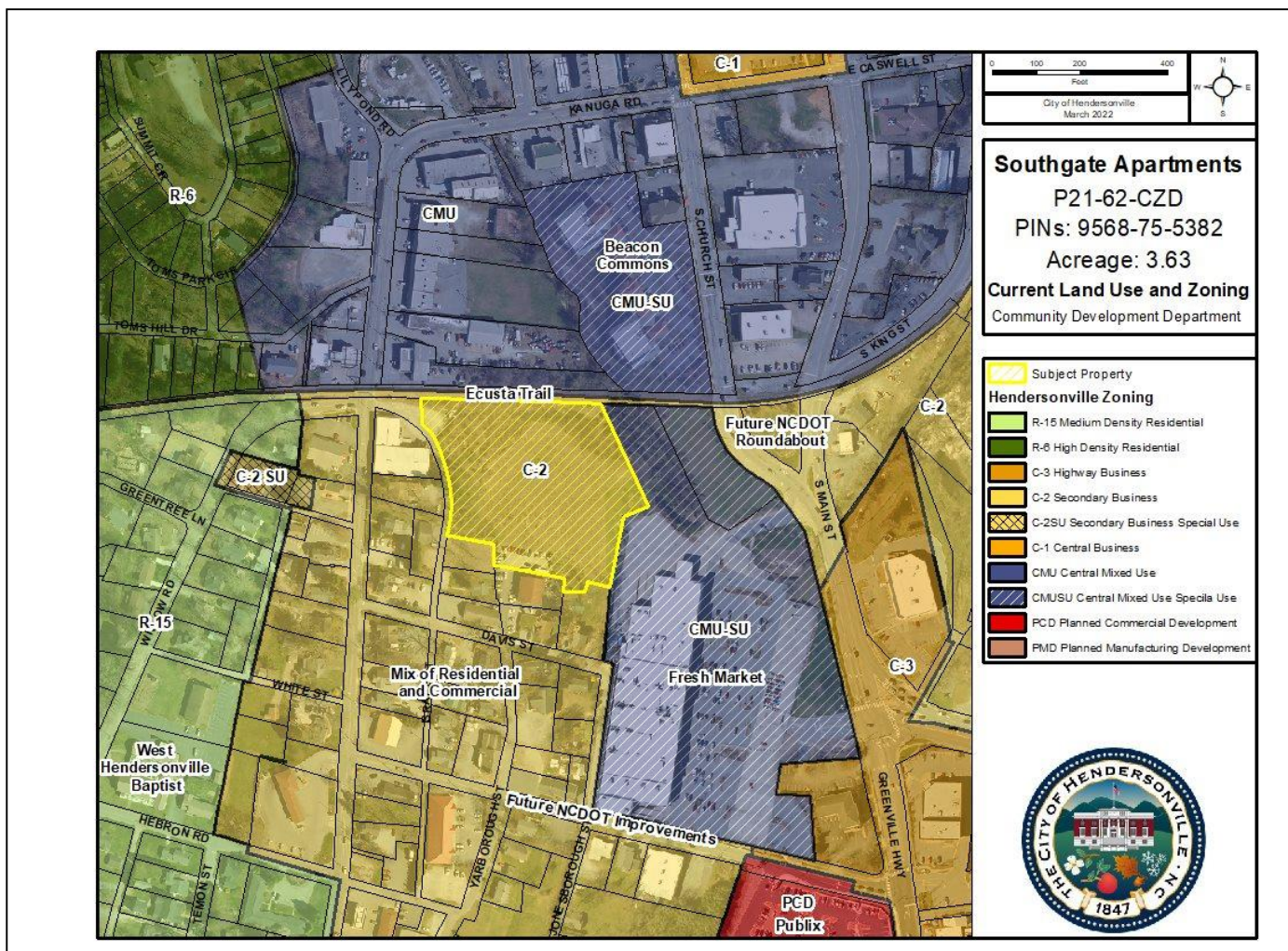
The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Suzanne Godsey of Sitework Studios, applicant and David W. Royster, III of Capitol Funds, Inc., property owner. The applicants are requesting to rezone the subject property (PIN 9568-75-5382) from C-2, Secondary Business to CMU-CZD, for the construction of a 60' tall, 70-unit apartment building on approximately 3.63 acres. The Central Mixed Use district does not have a density cap.

There is one 4-story building proposed with a total of 81,897 Sq Ft (Gross Floor Area). The stated use of the site is residential, multi-family.

The site is currently vacant and contains approximately 1.44 Acres of 100-year floodplain (40%). The site features a cluster of mature trees alongside Israel St – most of which are proposed to be removed and the area will be replanted. The site had previously been occupied for outdoor storage.

This project required a conditional rezoning due to the scale of the proposed development exceeding 50,000 Sq Ft and more than 50 units.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning

The subject parcel is within a C-2 zoning district that stretches to the south and west, extending from the west side of Kanuga Rd to the rear property boundaries of two large shopping center developments which front S. Main St. This pocket of C-2 suggests this area has been designated for residential and non-residential redevelopment. The area is currently defined by an older mix of single-family residential and small commercial uses.

To the north of the subject property, the CMU zoning runs along the future home of the Ecusta Rail Trail as it creates a perimeter around the Central Business District (C-1). The site is proposed to have access to the Ecusta Trail and is within a half mile walk of downtown.

To the east, the subject property fronts the Wash Creek floodplain and the parcel containing the Fresh Market Shopping Center (which fronts S. Main St at the intersection of Spartanburg Hwy and Greenville Hwy). The site is in close proximity to the range of uses concentrated around this intersection.

SITE IMAGES



View at western site entrance facing Kanuga Rd at Israel St



View along Israel St facing south

SITE IMAGES



View across site facing north



View across site facing west

SITE IMAGES



View of Wash Creek facing north



Existing shopping center entrance / proposed driveway to site

SITE IMAGES



View of delivery truck preparing to back in to loading dock at shopping center utilizing proposed driveway to subject property



View of future Ecusta Trail along northern boundary of site

SITE IMAGES



Confluence of Mud Creek and Wash Creek after heavy rain



Looking towards site at Wash Creek culvert / bridge crossing

SITE IMAGES

Wash Creek culvert on confluence side



Wash Creek culvert at site – debris collected after heavy rain



REZONING HISTORY –

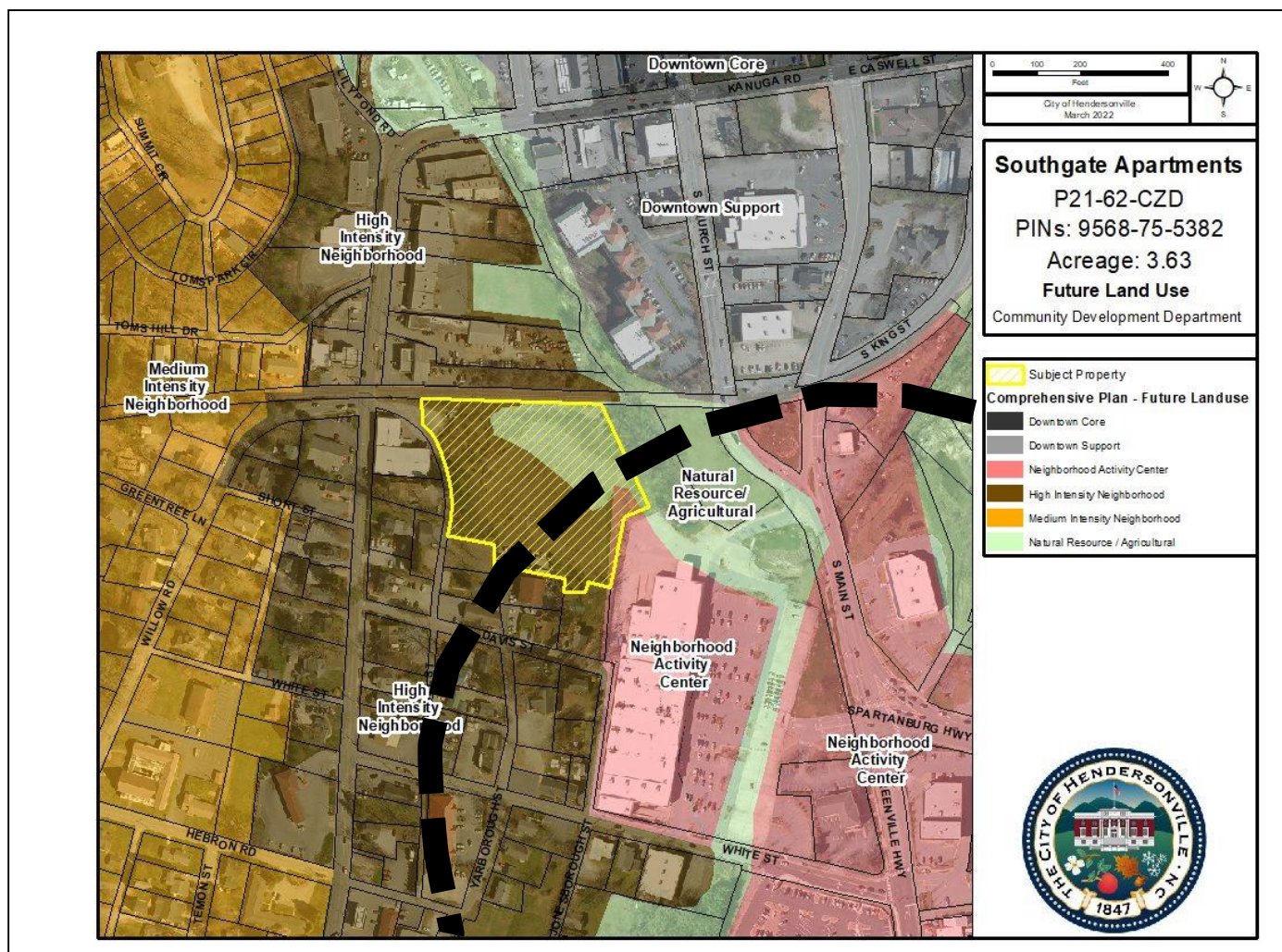
Prior Zoning	Summary of Prior Petition	Status
Unknown		

The specific previous zoning for this currently vacant parcel is unknown but we do know that the site had previously been used for minimal outdoor storage and appears to have been cleared prior to 1951.

A portion of an unimproved Right-of-Way which ran through this property (Yarborough St) was closed in 2016 (shown below).



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as High Intensity Neighborhood. This High Intensity Neighborhood area runs along either side of Kanuga Rd from Lilly Pond Rd to Hebron Rd. The subject property also contains a Natural Resource / Agricultural designation for the area of the property within the 100 yr floodplain / floodway. Finally, the parcel is partially within an Activity Node centered around the intersection of S. Main St, Spartanburg Hwy and Greenville Hwy. Adjacent to the property and centered within the activity node is a Neighborhood Activity Center designation. The Downtown Support designation begins to the northeast of the subject property, across Wash Creek.

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

COMPREHENSIVE PLAN CONSISTENCY

Future Land
Use

Goal LU-7 - High Intensity Neighborhood: Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods [consistent]

Strategy LU-7.1. Locations:

- Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT]
- Priority infill development areas where high-density development is desirable and/or expected, including: [CONSISTENT]
 - Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT]
 - Neighborhoods near Downtown, excluding historic neighborhoods [consistent]

Strategy LU-7.2. Primary recommended land uses:

- Multi-family residential [CONSISTENT]

Strategy LU-7.4. Development guidelines:

- Eight or more units per gross acre [CONSISTENT]
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT]
- At least 60% open space in new residential developments greater than three acres [INCONSISTENT]
- Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [CONSISTENT]
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [LIMITED CONSISTENCY]

Goal LU-4 - Natural Resource/Agricultural Areas: Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.

Strategy LU-4.1. Locations:

- The FEMA 100-year Floodplain

Strategy LU-4.2. Primary recommended land uses:

- Open space [CONSISTENT]
- Recreational amenities [CONSISTENT]
- Low-impact stormwater management facilities [CONSISTENT]
- Flood storage [CONSISTENT]

Strategy LU-4.4. Development guidelines:

- Preservation and restoration of natural hydrology [INCONSISTENT] Parking & grading is proposed to occur within the existing floodplain.
- Encouragement of Low-Impact Development principles [CONSISTENT]
- Development of non-motorized pathways [CONSISTENT]
- Residential uses limited to one unit per gross acre or less with at least 60% open space [CONSISTENT]

<p>Land Use & Development</p>	<p>Growth Management: Designated as a “Priority Infill Area” (Map 8.3a) - Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [CONSISTENT]</p> <p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a. [CONSISTENT] <u>Infill development:</u> Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land. -Centers for Disease Control and Prevention, Healthy Places Terminology Examples of opportunities for infill development include: • Scattered vacant lots • Underutilized commercial properties</p>
<p>Population & Housing</p>	<p>Strategy PH-1.1 – Promote compatible infill development</p> <p>Strategy PH-2.2 – Encourage provision of affordable housing units in new developments.</p> <p>Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.</p>
<p>Natural & Environmental Resources</p>	<p>Goal NR-1 - Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat. Strategy NR-1.1. - Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100-Year Floodplain. Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat. Strategy NR-1.3. Encourage restoration of natural habitat and drainage patterns in developed areas.</p> <p>Goal NR-2 - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment. Clustering homes on smaller lots, or clustering commercial development in multi-story buildings, preserves open space without sacrificing housing units or leasable floor area. Zoning regulations can encourage such development by avoiding minimum lot area standards and promoting flexibility in design Strategy NR-2.3 – Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville’s identity. Trees provide several additional community benefits, as described in Figure 3.3.c. Strategy NR-2.4. Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City’s green infrastructure network.</p>

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

COMPREHENSIVE PLAN CONSISTENCY	
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Community Facilities	<i>Strategy CF-3.1. Balance investment in new park space and amenities with anticipated maintenance resources.</i>
	<i>Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.</i>
	<i>Strategy CF-7.2. Preserve and expand the public greenway system as a means of connecting neighborhoods to parks and increasing recreational amenities and open space.</i>
Water Resources	The proposed project would be serviced by City Water and Sewer.
	<i>Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Design (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and focuses on both the quality and quantity of stormwater.</i>
Transportation & Circulation	The project is located on a Major Thoroughfare (S. Main St) according to Map 7.3a.
	<i>Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>
	<i>Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community.</i>
	<i>Strategy TC-1.4. Encourage pedestrian connections between dead end streets and adjacent neighborhoods.</i>
	<i>Strategy TC-2.2. Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system.</i>
	<i>Strategy TC-2.4. Encourage bicycle parking facilities at key destinations. Providing secure parking facilities for bicycles is an important component in creating a convenient bicycling infrastructure and promoting bicycle usage</i>
	<i>Strategy TC-3.1. Continue to develop and require a <u>connected</u> street grid.</i>
	<i>Goal TC-5. Enhance key gateways to the community in order to present a positive first impression and increase civic pride.</i>
	<i>Strategy TC-5.2. Enhance key entrances within the City</i>

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -
	There are a wide range of uses and levels of intensity in the area surrounding the parcel. The property is in immediate proximity to the intersection of Spartanburg Highway and S. Main St. and in close proximity to Downtown. As such high density multi-family residential appears to be compatible as a use. The current C-2 zoning for the parcel permits high intensity uses.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The southern end of Hendersonville has continued to develop as a key commercial node for the City with a wide range of groceries, restaurants, retail shops, services and high density residential. The acquisition, design and construction of the Ecusta Trail will greatly enhance the visibility of and access to this site by non-motorized transportation.
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 -
	The proposed 70 residential units would provide needed additional housing units while making efficient use of land (19.2 Units/Acre) within walking distance to a number of opportunities for employment, shopping, and recreation.
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 -
	A Water / Sewer Availability Request has been submitted for this project. An extension of public water and sewer is required to serve the proposed project. The development team provided a TIA to identify any needed mitigation based on a recommendation from City staff although the project was under the threshold for triggering a TIA based on projected daily trips.
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, storm water management, streams, vegetation, wetlands and wildlife -
	Floodplain Considerations: The proposed development would develop 25% of the subject property's floodplain. The developed portion of the floodplain would be used for parking and driveways and would be filled and covered with impervious surfaces. The developer proposes to offset the proposed fill with a stormwater facility. The 20' Stream Buffer Transition Zone has an existing encroachment of impervious pavement which would be utilized by the proposed development as part of the driveway/access. 17 of 21 mature trees on the site are proposed to be removed (6 evergreens and 11 hardwoods). Portions of the site have a "moderate" ranking for biodiversity.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4.

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:

DRAFT [Rationale for Approval]

- *The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots*
- *The petition provides infill development utilizing existing infrastructure*
- *The petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services*
- *The petition provides a transition from uses of high intensity to lower intensity uses*
- *The existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 Sq Ft. The petition for multi-family housing in the CMU District provides greater compatibility with surrounding land uses than other potential by-right developments.*
- *The proposed development provides access from a major thoroughfare*

DRAFT [Rational for Denial]

- *The petition would add an additional 67,225 Sq Ft of buildings, parking lots and streets to a parcel currently utilized for flood storage. This would make 48.7% of the site impervious.*
- *The petition proposes parking and grading of 25% of the site's 100-Year floodplain which exceeds that which is permitted by the City's Zoning Ordinance.*
- *The petition is requesting to add fill to the 100-Year floodplain at a level which exceeds that which is permitted by the City's Zoning Ordinance.*
- *The scale, massing and/or architectural design of the proposed building is not compatible with existing character of the neighborhood between Israel St and Kanuga Rd.*
- *Israel St is a substandard local street which is not designed to accommodate additional traffic.*
- *17 of 21 mature trees on the site will be removed.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS**PROPOSED REQUEST DETAILS**

- The site plan accompanying this petition contains the following provisions:
 - 70-Unit Apartment Development on 3.63 Acres (Density = 19.3 Units/Acre)
 - 1 – 4-story building (60' Height)
 - 81,897 Sq Ft of Gross Floor Area
 - Development in 100-Year Floodplain
- Requested Uses:
 - Residential, Multi-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - Provide additional 44 Trees and 78 Shrubs
 - Developer Proposed Conditions:
 - Request Fee-in-lieu of sidewalks along Israel St
 - Request to eliminate the required 12'x40' loading zone space due to floodplain constraints
 - Several modification requests from the Flood Standards of the Zoning Ordinance are necessary for this project due to its unique boundary configuration, existing slope, extent of floodplain on the parcel and conflicts in providing handicap accessibility to the buildings that area required to be raised 2' above base flood elevation while also required to keep all parking allowed in the floodplain at the existing grade (4'+/- grade differential) and where no fill is allowed. The specific modifications will be listed on final plans for recordation and approval. Requested modifications are as follows:
 - Sec. 17-2-2 b) - Request to fill 4' within the floodplain for 5,000 Sq Ft area of parking. This is necessary to ensure ADA connections between the building which has a fixed finished floor elevation due to requirement to be 2' above Base Flood Elevation and the parking lot in front of the building. To compensate for the fill, we will have an in-ground SCM (cell/pond) that will remove fill from the floodplain equal to the fill needed to raise the parking lot.
 - Sec. 17-2-2 c) - We are proposing two entrances for the project, both involve drive aisle that will be located and filling within the floodplain. These entrances need to be located as shown due to the narrowness of the remaining area outside of the floodplain, where the building and parking designs are fixed. The two-entrance layout provides needed fire access, and encourages connectivity to both the shopping center and the Kanuga Rd commercial area. Furthermore these entrances are proposed to be parallel to the stream/floodplain as much as possible while still providing adequate access connections.
 - Sec. 17-2-2 d) - We are looking to develop approximately 25% of the floodplain area contained within the parcel as currently

platted. This is necessary due to the narrowness of the remaining developable area outside of the floodplain. There is a large floodway area around Wash Creek that could potentially be added to the site acreage, dropping the percentage of on-site floodplain area that will be impacted. This would be done per recombination and would be a logistical exercise that would not improve the design. Also note that the existing site is not an undeveloped, pristine, property. Even though it hasn't had a previous building on it, the site has been a construction staging area for decades, and the grade has been changed and most of the parcel has been cleared or disturbed multiple times over the years.

OUTSTANDING ISSUES & PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Central Mixed Use (5-19) and Site Plan Review (7-3) with the following exceptions:
 - Pervious concrete proposed for sidewalk in Stream Buffer Transition Area.
 - Sidewalk from site to Israel St not provided
- Staff identified an alternative to the amount of development proposed in the floodplain and advocated that a portion of the parking for the site be located under the 1st floor of the building. The developer did not agree to this change to the project due to cost.

Proposed City-Initiated Conditions:

- Eliminate gates per Sec 18-6-4.6 of the Zoning Code - Applicants are encouraged to design streets so that they interconnect with adjacent properties.
- Developer to install trail connection from Ecusta Trail to shopping center and dedicate to the City.
- Construct approximately 200' of sidewalk along the east side of Israel St from Site Entrance to existing sidewalk on Kanuga Rd in lieu-of-sidewalks along the entire frontage of Israel St. Sufficient ROW exist adjacent to the site.

CITY ENGINEER

Site Plan Comments

- Show easement for existing sanitary sewer. No tree planting within sewer easement. [resolved]
- Storm outfall is shown exiting at existing sewer - adjust so there is no washout. [resolved]
- Shift fence outside of sewer easement [resolved]

Proposed City-Initiated Conditions:

- None

WATER / SEWER**Site Plan Comments:**

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL**Site Plan Comments**

- Reduce size of landscaped/entrance island at Israel St access to ensure fire access.

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR**Site Plan Comments**

- The culvert at the confluence of Wash Creek/Mud Creek is undersized. That culvert is by far the smallest diameter culvert on the whole reach of Mud Creek from Laurel Park to the confluence. Every other crossing is either a bridge, double or triple box culvert w/ 6'x4' boxes, and the culvert at Fresh Market is a single 72" round pipe, 30% of which is filled w/ sediment. The current stream crossing on Wash Creek at the eastern entrance to the development is not designed to convey the 25-year storm event without overtopping (NCDOT Standards require all minor roads/local road stream crossings to be able to convey the 25-year event). Based on past storm events this entrance is likely to be inundated at least twice a year, limiting the development to 1 entrance onto Israel St. Additionally, climate models for this region show a high likelihood of increasing frequency of severe rainfall and overall increased precipitation, which would lead to more situations in which Southgate residents are being isolated by flood conditions. While this development is not responsible for causing flooding in this area, it will contribute to the peak flow in Wash Creek upstream of the culvert, further increasing the possibility of the eastern entrance becoming inaccessible during severe rain events. The applicant is also requesting a conditional approval of placing additional fill in the immediate vicinity of the culvert, which will decrease the flood storage area above the culvert and potentially cause more frequent inundation of this crossing. The applicant's proposal to "maintain" the culvert under the condition that it does not require additional permitting does nothing to address the current limitations of the culverts performance.

Proposed City-Initiated Conditions:

- Developer shall evaluate the current performance of the culvert and at a minimum increase the capacity of the crossing to convey the peak discharge from a 25-year storm event.

FLOODPLAIN ADMINISTRATOR

Site Plan Comments

- Sufficient separate from seasonal high-water table needed for proposed Stormwater Control Measure.
- Due to the proposed development in the floodplain and the requested developer proposed conditions, staff requested that a preliminary flood study be provided. The conclusion of the Preliminary Flood Study Memo is as follows:
 - Andrew Bick, PE, CFM - *Based on our preliminary analyses, the proposed grading appears to be feasible in terms of not causing adverse flooding impacts. A floodplain development permit application to the City would need to include hydraulic modeling of the final site plan and a detailed summary report. These preliminary analyses can serve as the basis of this final study*

Proposed City-Initiated Conditions:

- Provide information related to seasonal high-water table.
- Response to Developer Proposed Condition: Provide flood study/engineering analysis prior to Final Site Plan approval to determine impact of proposed development to subject property and properties upstream and mitigate / revise site plan as needed. No impact / increased flood hazard on existing or proposed structures shall be permitted.
- Provide flood study/engineering analysis for all work done within floodway.

PUBLIC WORKS

Site Plan Comments

- Additional information on delivery truck scheduled needed [see below]

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments

- None

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

The proposed development is anticipated to generate 465 Daily Trips, 29 AM peak hour trips, and 37 PM peak hour trips per the ITE Trip Generation Manual, 10th Edition. This falls below the City's Threshold for triggering a TIA (Section 6-18). A TIA was recommended, but not required for this development. The City's Transportation Consultant (Jonathan Guy, Kimley-Horn) provided the following feedback on the TIA submitted by the development team:

- ***Based on a technical review of the revised TIA report as submitted, several elements of the report and analysis do not address comments provided by Kimley-Horn on February 10, 2022. These unaddressed comments are***

summarized in the bulleted list below, with the relative impact on the analysis results and recommendations noted in brackets [Planning Staff has provided the bullet points from the TIA Review Memo which have a rating of Moderate Impact and High Impact as noted in the brackets]:

- A turn lane warrant analysis was not conducted for the existing unsignalized intersections of Kanuga Road with Israel Street and NC 225 (S Main Street) with S Church Street/Fresh Market Shops Driveway. A turn lane warrant analysis should be completed at these locations or justification for their exclusion should be provided in the TIA report text. **[Moderate Impact]**
 - Consider revising the site plan or otherwise including improvements to Israel Street between the proposed site access point and Kanuga Road to address sight distance deficiencies and provide additional pavement width for two-way traffic. **[Moderate Impact]**
- **The following additional comments are offered based on a review of the revised TIA against NCDOT and City of Hendersonville guidelines and should be addressed as appropriate:**
- In Figure 11 and Figure 12, it is not clear how 2040 No-Build and 2040 Build traffic volumes were derived. NCDOT Traffic Breakouts should be provided as an attachment to the TIA, and a separate trip distribution figure should be developed in the context of the 2040 roadway network. **[Moderate Impact]**
 - NCDOT Congestion Management's Capacity Analysis Guidelines specify that a TIP Design Year Analysis, when applicable, should be conducted for all study intersections. The 2040 NoBuild and 2040 Build analyses should be revised to include all study intersections or justification for their exclusion should otherwise be provided. **[Moderate Impact]**

In addition to the requested technical revisions to the report, recommendations related to addressing conflicts with delivery trucks entering the entrance area of the site have been provided to the applicant. The delivery schedule for Southgate is as follows:

- PetSmart (large trucks): Deliveries 2X/week, Mon. and Fri. between 7am-1pm
- Fresh Market (smaller trucks): Deliveries daily Mon-Sat between 6am-3pm

Proposed City-Initiated Conditions:

- Revise TIA accordingly
- Revise site plan to accommodate recommended Alternative for entrance / loading dock access.

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9568-75-5382 BY CHANGING THE ZONING DESIGNATION FROM C-2 (SECONDARY BUSINESS) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-75-5382
Addresses: No Address Assigned
Southgate Apartments (File # P21-62-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Suzanne Godsey and property owner, David Royster with Capitola Funds, Inc. for the development of 70 Apartments on approximately 3.63 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2022; voting 0-0 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 May 5, 2022, and

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: 9568-75-5382 from C-2 (Secondary Business) to CMU-CZD (Central Mixed Use - Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:

City-Initiated:

 - i. Eliminate gates per Sec 18-6-4.6 of the Zoning Code - Applicants are encouraged to design streets so that they interconnect with adjacent properties;
 - ii. Developer to install trail connection from Ecusta Trail to shopping center and dedicate to the City;
 - iii. Construct approximately 200' of sidewalk along the east side of Israel St from Site Entrance to existing sidewalk on Kanuga Rd in lieu-of-sidewalks along the entire frontage of Israel St. Sufficient ROW exist adjacent to the site;
 - iv. Provide information related to seasonal high-water table;
 - v. Response to Developer Proposed Floodplain Conditions: Provide flood study/engineering analysis prior to Final Site Plan approval to determine impact of proposed development to subject property and properties upstream and mitigate / revise site plan as needed. No impact / increased flood hazard on existing or proposed structures shall be permitted;
 - vi. Provide flood study/engineering analysis for all work done within floodway;
 - vii. Revise TIA according to comments received from City's Transportation consultant;
 - viii. Revise site plan to accommodate recommended Alternative for entrance / loading dock access.

Developer Proposed:

 - i. Provide additional 44 Trees and 78 Shrubs
 - ii. Request Fee-in-lieu of sidewalks along Israel St
 - iii. Request to eliminate the required 12'x40' loading zone space due to floodplain constraints
 - iv. Several modification requests from the Flood Standards of the Zoning Ordinance are necessary for this project due to its unique boundary configuration, existing slope, extent of floodplain on the parcel and conflicts in providing handicap accessibility to the buildings that area required to be raised 2' above base flood

elevation while also required to keep all parking allowed in the floodplain at the existing grade (4’+/- grade differential) and where no fill is allowed. The specific modifications will be listed on final plans for recordation and approval. Requested modifications are as follows:

- v. Sec. 17-2-2 b) - Request to fill 4’ within the floodplain for 5,000 Sq Ft area of parking. This is necessary to ensure ADA connections between the building which has a fixed finished floor elevation due to requirement to be 2’ above Base Flood Elevation and the parking lot in front of the building. To compensate for the fill, we will have an in-ground SCM (cell/pond) that will remove fill from the floodplain equal to the fill needed to raise the parking lot.
- vi. Sec. 17-2-2 c) - We are proposing two entrances for the project, both involve drive aisle that will be located and filling within the floodplain. These entrances need to be located as shown due to the narrowness of the remaining area outside of the floodplain, where the building and parking designs are fixed. The two-entrance layout provides needed fire access, and encourages connectivity to both the shopping center and the Kanuga Rd commercial area. Furthermore these entrances are proposed to be parallel to the stream/floodplain as much as possible while still providing adequate access connections.
- vii. Sec. 17-2-2 d) - We are looking to develop approximately 25% of the floodplain area contained within the parcel as currently platted. This is necessary due to the narrowness of the remaining developable area outside of the floodplain. There is a large floodway area around Wash Creek that could potentially be added to the site acreage, dropping the percentage of on-site floodplain area that will be impacted. This would be done per recombination and would be a logistical exercise that would not improve the design. Also note that the existing site in not an undeveloped, pristine, property. Even though it hasn’t had a previous building on it, the site has been a construction staging area for decades, and the grade has been changed and most of the parcel has been cleared or disturbed multiple times over the years.

- 3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 5th day of May 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant/Developer: Suzanne Godsey, Site Work Studio

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: David W. Royster, Capitol Funds, Inc.

Signature:_____

Printed Name:_____

Title:_____

Date:_____



NEIGHBORHOOD COMPATIBILITY MEETING REPORT

SOUTHGATE APARTMENTS (P21-62-CZD)

NCM Meeting Dates: October 21, 2021

October 29, 2021

PETITION REQUEST: Rezoning: Southgate Apartments-Conditional Zoning District (CMU-CZD)

APPLICANT/PETITIONER: Capitol Funds (David Royster)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

Two Neighborhood Compatibility Meetings were held for this project due to technical issue for virtual participation via Zoom. The meeting were held on October 21 and 29, 2021 at 2pm in the City Operations Building at 305 Williams St and via Zoom.

Meeting 1 - Approximately 2 members of the public were in attendance in-person with 3 others attending virtually for the first meeting. Additionally, in attendance were the applicant team consisting of 4 people and 4 members of City staff.

There was one pre-submitted comments for the first meeting.

The development team was allowed to present following the introduction from staff.

Questions and concerns raised by attendees included: questions about access on Israel St., widening of Israel St, Tree removal along Israel St, adjacent ROW between the site and Kanuga Rd and who the “target” renters would be for the apartments.

Meeting 2 - Approximately 3 members of the public were in attendance in-person with 3 others attending virtually. Additionally, in attendance were the applicant team consisting of 2 people and 3 members of City staff.

There were no pre-submitted comments for the first meeting.

The development team was allowed to present following the introduction from staff.

Questions and concerns raised by attendees included: questions about flooding, pervious surfaces in the floodplain, elevators in the buildings, maintenance, height of the building, access to the round-a-bout proposed for S Main St, access to the Ecusta Trail, and tree plantings.

Full minutes from the Neighborhood Compatibility Meetings and pre-submitted public comment are available for review by request.



TREE BOARD RECOMMENDATION
SOUTHGATE APARTMENTS (P21-62-CZD)
FEBRUARY 15, 2022

PETITION REQUEST: Rezoning: Central Mixed Use - Conditional Zoning District (CMU-CZD)

APPLICANT/PETITIONER: David Royster, Capital Funds (Owner / Developer)

TREE BOARD ACTION SUMMARY:

Staff presented to the Tree Board at a regular meeting on February 15, 2022. This was the applicant's second visit to the Tree Board following a revised site plan/landscaping plan which impacted additional trees on the site. The following Recommendation were made:

Rezoning: Conditional Zoning District – Southgate Apartments (P21-62-CZD) – Matthew Manley, AICP – Planning Manager

This project has reduced the size of the buildings, parking lot, and impervious surfaces on the site. They are keeping the same number of proposed trees and shrubs as they had planned for under the original project.

Motion: Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 1.2 and Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following development conditions be placed on this property:

1. Plant slope area with diverse and appropriate species of native upland small maturing or understory trees, shrubs (both with proper spacing) and herbaceous plants.
2. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit.
3. Attempt to eradicate invasive plant species found on the property as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects.

BOARD ACTION

Motion: Glenn Lange

Yeas: All

Nays: None

Recused: None

CONDITIONAL ZONING DEVELOPER CONDITIONS:

1. PROVIDE AN ADDITIONAL 44 TREES AND 78 SHRUBS TO REFLECT THE NUMBER OF PLANTINGS SHOWN TO THE TREE BOARD DURING THEIR SITE REVIEW. DUE TO SITE PLAN CHANGES, THE NUMBER OF REQUIRED PLANTINGS WERE REDUCED, HOWEVER OUR PROPOSED FINAL PLANTINGS WILL REFLECT THE TOTAL QUANTITY SHOWN TO THE BOARD.
2. MODIFICATION REQUEST TO ELIMINATE THE 12' X 40' LOADING ZONE SPACE DUE TO FLOODPLAIN CONSTRAINTS (SECTION 6-6).
3. SEVERAL MODIFICATION REQUESTS FROM THE FLOOD STANDARDS OF THE ZONING ORDINANCE ARE NECESSARY FOR THIS PROJECT DUE ITS UNIQUE BOUNDARY CONFIGURATION, EXISTING SLOPE, EXTENT OF FLOODPLAIN ON THE PARCEL AND CONFLICTS IN PROVIDING HANDICAP ACCESSIBILITY TO BUILDINGS THAT ARE REQUIRED TO BE RAISED 2 FEET ABOVE BASE FLOOD ELEVATION WHILE ALSO REQUIRED TO KEEP ALL PARKING ALLOWED IN THE FLOODPLAIN AT EXISTING GRADE (4'+/- GRADE DIFFERENTIAL) AND WHERE NOT FILL IS ALLOWED. THE SPECIFIC MODIFICATIONS WILL BE LISTED ON FINAL PLANS FOR RECORDATION AND APPROVAL. MODIFICATIONS ARE AS FOLLOWS:

We are requesting approximately 4' within the floodplain for an area of parking spaces of approx. 5000 SF. This is necessary to ensure ADA connections between the building which has a fixed finished floor elevation due to requirement to be 2' above Base Flood Elevation and the parking lot in front of the building. To compensate for the fill, we will have an in-ground SCM (cell/pond) that will remove fill from the floodplain equal to the fill needed to raise the parking lot.

17-2-2-c) Streets and driveways may run generally within special flood hazard area and parallel to the stream only where no other access to the property is feasible.

We are proposing two entrances for the project, both involve drive aisles that will be located and filling within the floodplain. These entrances need to be located as shown due to the narrowness of the remaining area outside of the floodplain, where the building and parking designs are fixed. The two-entrance layout provides needed fire access, and encourages connectivity to both the shopping center and the Kanuga Rd commercial area. Further more these entrances are proposed to be parallel to the stream/flood plain as much as possible while still providing adequate access connections.

17-2-2-d) ...property owner or developer may fill and/or use for development up to 10% of the special flood hazard area contained within the boundaries of any development site....

We are looking to develop approximately 25% of the floodplain area contained within the parcel as currently platted. This is necessary due to the narrowness of the remaining developable area outside of the floodplain. There is a large floodway area around Wash Creek that could potentially be added to the site acreage, dropping the percentage of onsite floodplain area that will be impacted. This would be done per recombination, and would be a logistical exercise that would not improve the design.

Also note that the existing site is not an undeveloped, pristine property. Even though it hasn't had a previous building on it, the site has been a construction staging area for decades, and the grades has been changed and most of the parcel has been cleared or disturbed multiple times over the years.

NOTES:

1. ALL PROPOSED ENTRANCE AND EXIT POINTS SHALL FOLLOW THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S "POLICY ON STREET AND DRIVEWAY ACCESS TO NC HIGHWAYS".
2. ANY PUBLIC ACCESS THROUGH PROPOSED SITE FOR THE ECUSTA TRAIL WILL BE MAINTAINED BY OTHERS AND IN A DEDICATED EASEMENT.
3. ENTIRE PROPERTY IS WITHIN THE CITY LIMITS.
4. SITE LIGHTING WILL BE PROVIDED BY DUKE ENERGY AND WILL COMPLY WITH ANY CITY OF HENDERSONVILLE LIGHTING STANDARDS (SECTION 6-13-4).
5. THE 30' STREAM BUFFER FOR WASH CREEK IS OUTSIDE OF THIS DEVELOPMENT'S PROPERTY BOUNDARIES.
6. OPEN SPACE WILL BE MAINTAINED BY THE APARTMENT MANAGEMENT COMPANY.
7. FEE IN LIEU OF SIDEWALKS IS PROPOSED ALONG ISRAEL STREET, BASED THE LACK OF SHOULDER (SECTION 6-12-3).
8. DUMPSTER ENCLOSURE WILL FULLY SCREEN THE DUMPSTERS AND WILL INCLUDE ARCHITECTURAL MATERIALS INTO THE DESIGN/DETAILS.

PROPERTY OWNER:
CAPITOL FUNDS, INC.
P.O. BOX 144
SHELBY, NC 28151

DEVELOPER CONTACT:
SELWYN PROPERTY GROUP, INC
ATTN: JENSIE TEAGUE
4310 PARK ROAD, SUITE 101
CHARLOTTE, NC 28209

LANDSCAPE ARCHITECT:
SUZANNE GODSEY, PLA
SITEWORK STUDIOS, PLLC
82 PATTON AVENUE, SUITE 700
ASHEVILLE, NC 28801
828.225.4945

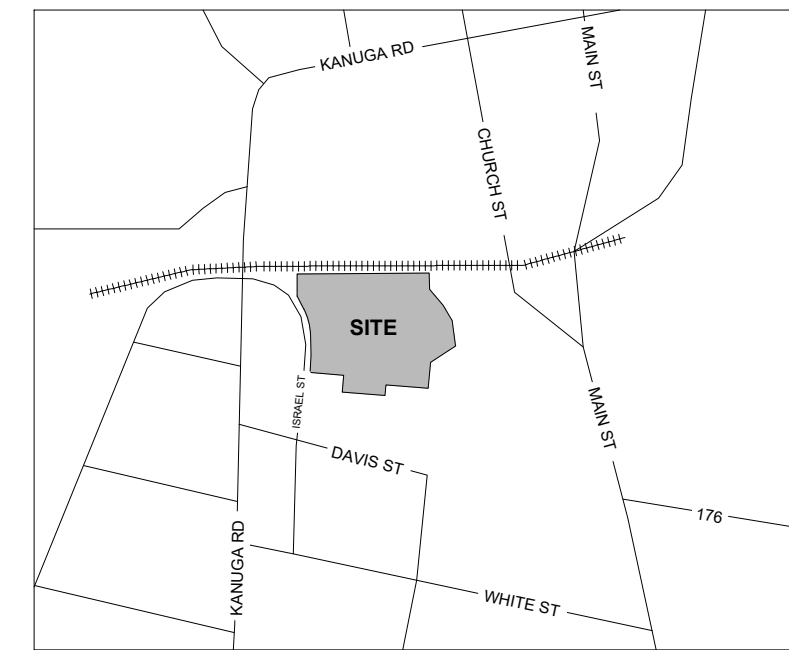
ARCHITECT:
ROBIN RAINES, AIA
ROWHOUSE ARCHITECTS
1 NORTH PACK SQUARE
ASHEVILLE, NC 28801
828.281.2344

CIVIL ENGINEER:
CHRIS DAY, PE
CIVIL DESIGN CONCEPTS, PA
168 PATTON AVENUE
ASHEVILLE, NC 28801
828.252.5388

SURVEYOR:
ERIC McABEE, PLS
McABEE & ASSOCIATES, PA
3 McABEE TRAIL
FAIRVIEW, NC 28730
828.628.1295

TOTAL PROJECT AREA CALCULATIONS:

TOTAL PROJECT AREA = 3.63 AC. (158,122.8 SF)
BUILDING COVERAGE = 22,134 SF / 0.5 AC (14% OF SITE)
STREETS AND PARKING COVERAGE = 45,091 SF / 1.03 AC (28% OF SITE)
OPEN SPACE = 19,320 SF / 0.44 AC (12% OF SITE)
LANDSCAPE AREAS/ SLOPED BANK COVERAGE = 39,556.2 SF / 0.9 AC (26% OF SITE)
LIMITS OF DISTURBANCE: 121,432 SF (2.79 AC.)



VICINITY MAP

ZONING:

CURRENT ZONING: C-2 SECONDARY BUSINESS
PROPOSED ZONING: CMUCZD - CENTRAL MIXED USE
CONDITIONAL ZONING DISTRICT CLASSIFICATION

PROPOSED USE: 70 APARTMENTS

PIN: 9568-75-5382

SIZE OF PROPERTY: 3.63 AC
DENSITY: 19.2 UNITS/ACRE

EXISTING IMPERVIOUS SURFACE:
346 SF (0.008 ACRES)
0.3% OF SITE

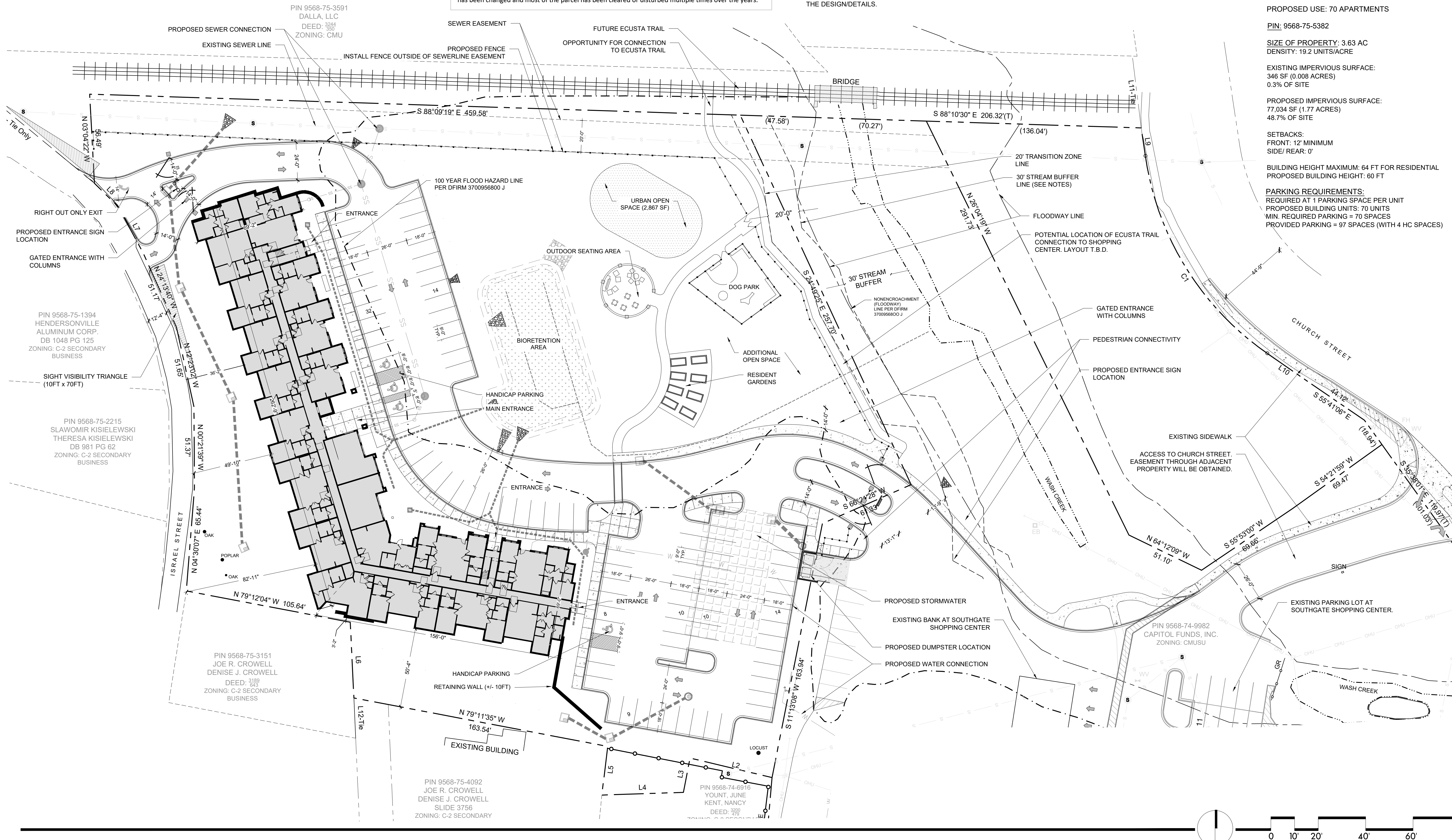
PROPOSED IMPERVIOUS SURFACE:
77,034 SF (1.77 ACRES)
48.7% OF SITE

SETBACKS:
FRONT: 12' MINIMUM
SIDE/ REAR: 0'

BUILDING HEIGHT MAXIMUM: 64 FT FOR RESIDENTIAL
PROPOSED BUILDING HEIGHT: 60 FT

PARKING REQUIREMENTS:

REQUIRED AT 1 PARKING SPACE PER UNIT
PROPOSED BUILDING UNITS: 70 UNITS
MIN. REQUIRED PARKING = 70 SPACES
PROVIDED PARKING = 97 SPACES (WITH 4 HC SPACES)



sitework
STUDIOS

LANDSCAPE ARCHITECTURE
82 Patton Avenue | Suite 700 | Asheville, NC 28801 | 828.225.4945



SOUTHGATE APARTMENTS

PREPARED FOR:

CAPITOL FUNDS, INC.

P.O. BOX 144
SHELBY, NORTH CAROLINA 28151

REVISIONS

NO.	REMARKS	DATE
1	CITY COMMENTS	03.03.2022
2	CITY COMMENTS	03.25.2022

CONDITIONAL
ZONING REVIEW

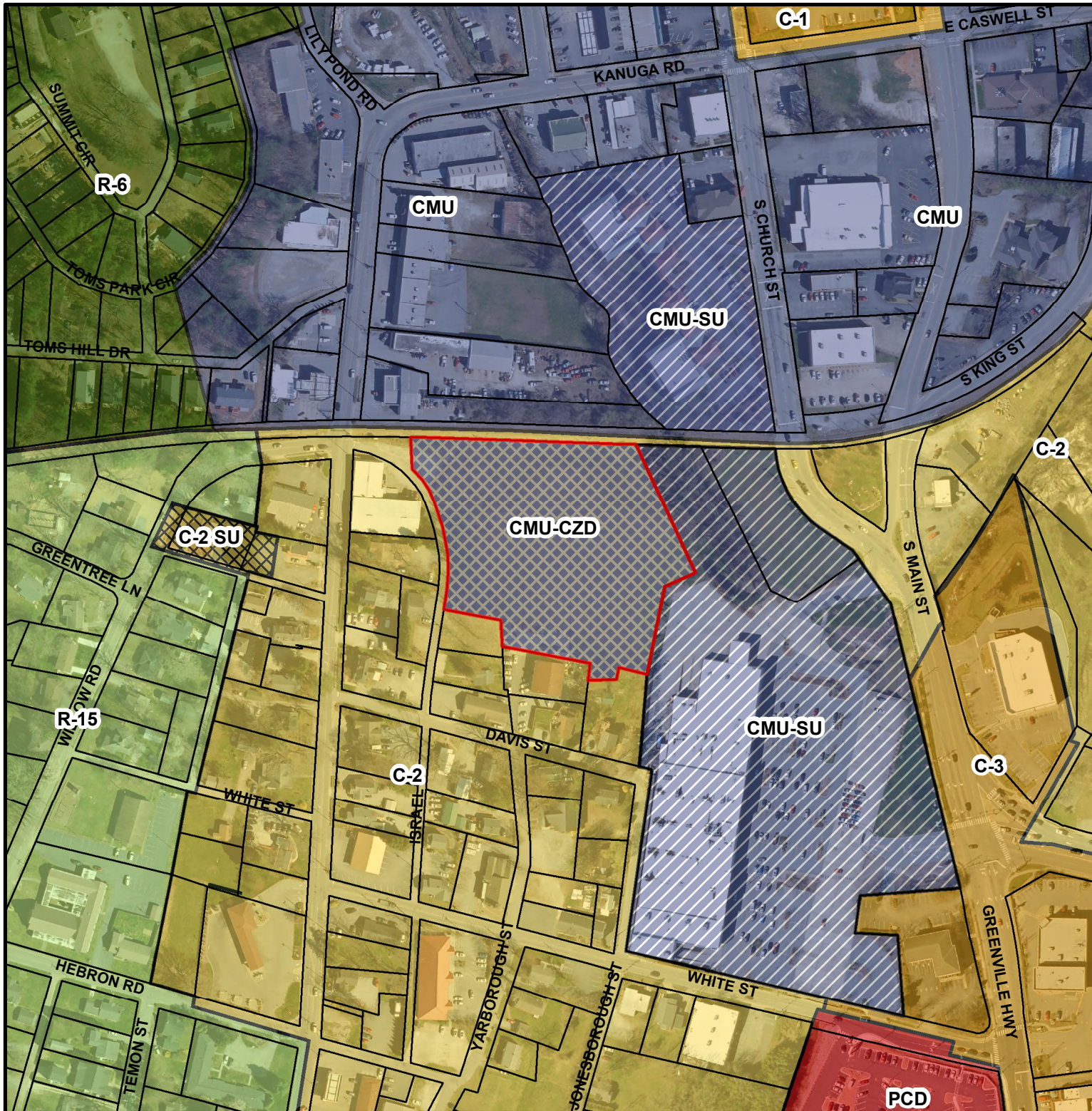
DATE:
02.04.2022

SHEET TITLE:

PRELIMINARY
SITE PLAN

SHEET NO.

L-200



Southgate Apartments
P21-62-CZD
PINs: 9568-75-5382
Acreage: 3.63
Proposed Zoning
Community Development Department

- Hendersonville Zoning**
- Subject Property
 - R-15 Medium Density Residential
 - R-6 High Density Residential
 - C-3 Highway Business
 - C-2 Secondary Business
 - C-2SU Secondary Business Special Use
 - C-1 Central Business
 - CMU Central Mixed Use
 - CMUSU Central Mixed Use Specila Use
 - PCD Planned Commercial Development
 - PMD Planned Manufacturing Development





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

Phone (828) 697-3010 | Fax (828) 698-6185

www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

The following are the **required** submittals for a complete application for rezoning a property or properties to a Conditional Zoning District. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☐ 2. Water and Sewer Availability Request
- ☐ 3. Completed Application Form
- ☐ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☐ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☐ 6. Detailed explanation of any Proposed Development Description
- ☐ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

Office Use:

Date Received: _____ By: _____ Fee Received? Y/N

A. Applicant Contact Information

SUZANNE GODSEY
 * Printed Applicant Name

SITWORK STUDIOS
 Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Suzanne V Godsey
 Applicant Signature

Applicant Title (if applicable)

82 PATTON AVE. SUITE 700
 Address of Applicant

ASHEVILLE, NC 28801
 City, State, and Zip Code

828-713-8065 (c)
 Telephone

sgodsey@siteworkstudios.com
 Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

[Application Continued on Next Page]

B. Property Owner Contact Information (if different from Applicant)David W. Royster III

*Printed Owner Name

CAPITOL FUNDS, INC.

Printed Company Name (if applicable)

☒ Corporation☐ Limited Liability Company☐ Trust☐ Partnership☐ Other: _____David W. Royster III

Property Owner Signature

Pres.

Property Owner Title (if applicable)

P.O. Box 144 SHALBY, NC 28151

City, State, and Zip Code

704 - 487 - 8547

Telephone

droysteriii @ capitol funds inc. com

Email

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Note: Additional Owner Signature pages attached.

C. Property Information

Name of Project: SOUTHGATE APARTMENTS

PIN(s): 9568-75-5382

Address(es) / Location of Property: NO ADDRESS ASSIGNED

176/25 INTERSECTION BEHIND

Type of Development: ☒ Residential ☐ Commercial ☐ Other

Current Zoning: C-2 SECONDARY BUSINESS

Total Acreage: 3.63 AC.

Proposed Zoning: CMUCZD CENTRAL MIXED USE CONDITIONAL ZONING

Proposed Building Square Footage: 110,000 SF GFA (+/-)

Number of Dwelling Units: 84 UNITS

List of Requested Uses: PROPOSED RESIDENTIAL APARTMENT DEVELOPMENT.

D. Proposed Development Conditions for the Site

In the spaces provided below, please provide a description of the Proposed Development for the site.

OUR PROPOSED PLAN IS AN 84 UNIT APARTMENT BUILDING
WITH ACCESS FROM CHURCH AND ISRAEL STREETS.

ADEQUATE PARKING, APPROPRIATE STORMWATER, AMENITY
FEATURES AND CONNECTIVITY TO THE ECUSTA TRAIL ARE
INCLUDED IN OUR PROPOSED PLAN.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Alexandra Hunt	MEETING DATE:	April 11, 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Rezoning: Conventional Rezoning – 806 Shepherd St. (P22-019-RZO) – Alexandra Hunt / Planner I		

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-41-9518) from R-15 (Medium Density Residential) to C-3 (Highway Business) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The Neighborhood Activity Center designation calls for neighborhood retail sales and services as a primary recommended land use; and office, multi-family and other similar uses as secondary recommended land uses at locations which align with those listed under LU 8.1. <p>2. We <u>[find]</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The petition allows for increased intensity of uses at the intersection of two minor thoroughfares. 2. The petition would align with the parcels proximate to the subject property which are zoned C-3 and located between Old Spartanburg Rd and Spartanburg Hwy. 3. The petition creates the opportunity for infill development at a greater density / intensity. 	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-41-9518) from R-15 (Medium Density Residential) to C-3 (Highway Business) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The Neighborhood Activity Center designation calls for neighborhood retail sales and services as a primary recommended land use; and office, multi-family and other similar uses as secondary recommended land uses at locations which align with those listed under LU 8.1. <p>2. We <u>[do not find]</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The parcel's proximity to R-15 zoning (across Old Spartanburg Rd) necessitates that an increase of intensity/density be accompanied with a site plan or a district which provides design standards. <p style="text-align: center;">[DISCUSS & VOTE]</p>
--	---

<div>4. The petition promotes walkable neighborhoods by creating mixed land use patterns that place residents within walking distance of services.</div> <div>[DISCUSS & VOTE]</div>	
--	--

SUMMARY: *The City is in receipt of a Zoning Map Amendment (Conventional Rezoning) application from Diane Ward (owner). The applicant is requesting to rezone the subject property from R-15 (Medium Density Residential) to C-3 Highway Business. The subject parcel (PIN 9578-41-9518) is located at the intersection of Shepherd St. and Old Spartanburg Rd and is approximately .56 acres in total.*

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the C-3 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.

PROJECT/PETITIONER NUMBER:	P22-022-RZO
PETITIONER NAME:	1. Diane Ward [Owner]
ATTACHMENTS:	<div>1. Staff Report</div> <div>2. Zoning District Comparison</div> <div>3. Draft Ordinance</div> <div>4. Proposed Zoning Map</div> <div>5. Application</div>

REZONING: STANDARD REZONING – 806 SHEPHERD ST (P22-022-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

FUTURE LAND USE 6

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 7

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 9

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 10



PETITION SUMMARY

- Project Name & Case #:
 - 806 Shepherd St. Standard Rezoning
 - P22-022-RZO
- Applicant & Property Owner:
 - Diane Ward
- Property Address:
 - 806 Shepherd St.
- Project Acreage:
 - .56 Acres
 - (±24,393.6 Square feet)
- Parcel Identification (PIN):
 - 9578-41-9518
- Current Parcel Zoning:
 - R-15 Medium Density Residential
- Requested Zoning:
 - C-3 Highway Business
- Future Land Use Designation:
 - Neighborhood Activity Center
 - Activity Node
- Roadway Classification
 - Minor Thoroughfare (Shepherd St. – south of parcel)
 - Minor Thoroughfare (Old Spartanburg Rd – east of parcel)



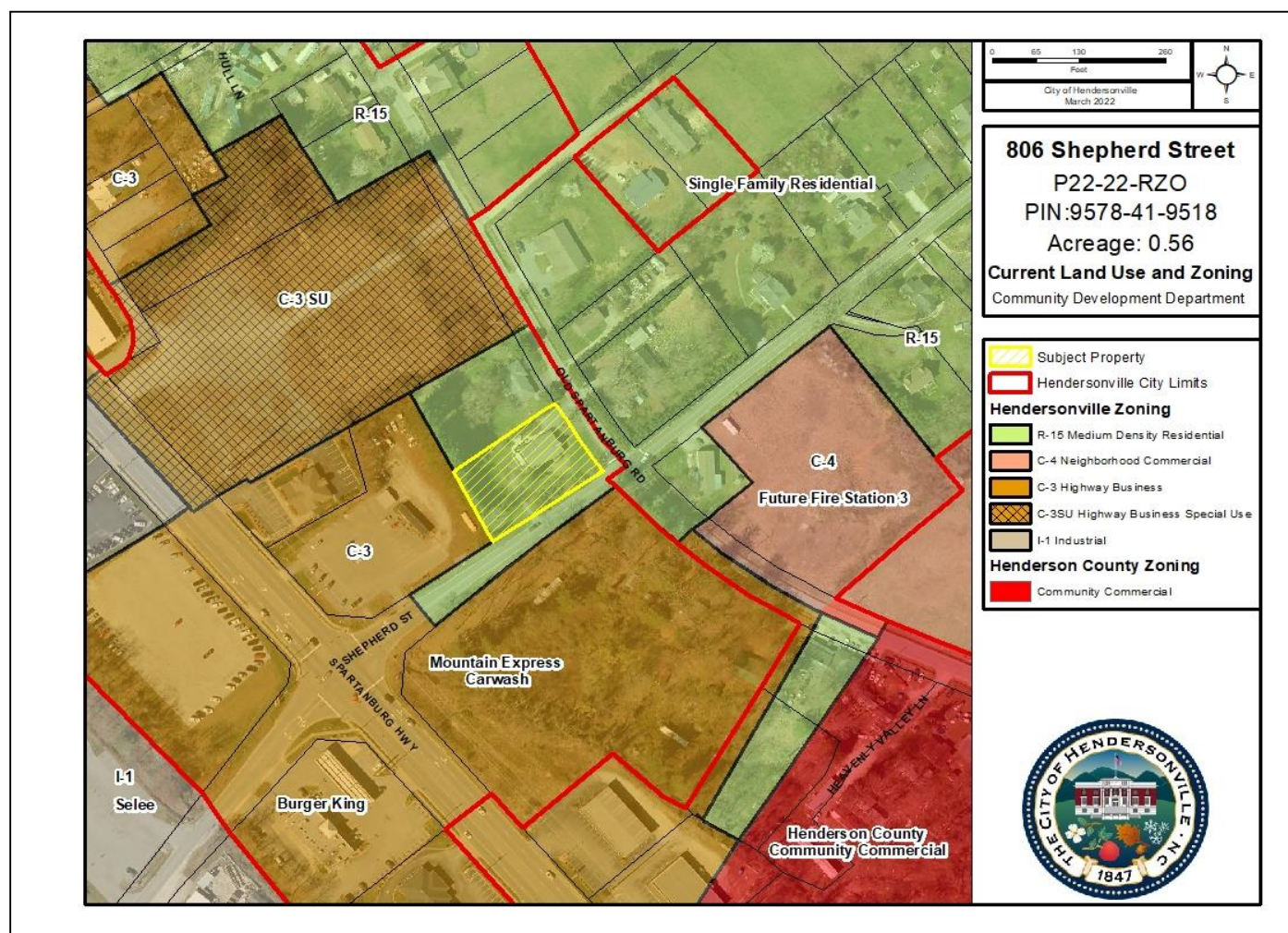
SITE VICINITY MAP

The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Diane Ward (owner). The applicant is requesting to rezone the subject property from R-15 (Medium Density Residential) to C-3 (Highway Business). The subject parcel (PIN 9578-41-9518) is located at the intersection of Shepherd St. and Old Spartanburg Rd and is approximately 0.56 acres in total. The parcel contains an existing structure originally built as a single-family residence.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the C-3 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.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Ma

The two dominant zoning districts in this area are C-3 (Highway Business) and R-15 (Medium Density Residential). C-3 zoning abuts the western property line of the subject property and is also found directly across Shepherd St. to the south of the subject parcel. Some parcels to the northeast are zoned R-15 Medium Density Residential with the abundance of the R-15 district being located to the east / northeast across Old Spartanburg Rd in the ETJ.

Many of the parcels situated between Old Spartanburg Rd (Minor Thoroughfare) and Spartanburg Highway (Major Thoroughfare) are composed of a mix of commercial and residential uses with some single-family uses located in C-3 zoning districts.

In proximity of the Old Spartanburg Rd / Shepherd St. intersection, a mix of C-3, C-4 and R-15 zoning districts exist. The subject property and the adjacent parcel to the northwest are zoned R-15 and are surrounded by C-3 zoning districts to the north, west, and south with R-15 zoning districts to the northeast directly across Old Spartanburg Rd.

SITE IMAGES



View of subject property from Old Spartanburg Rd facing west



View from subject property facing east across the intersection of Old Spartanburg Rd and Shepherd St.

SITE IMAGES

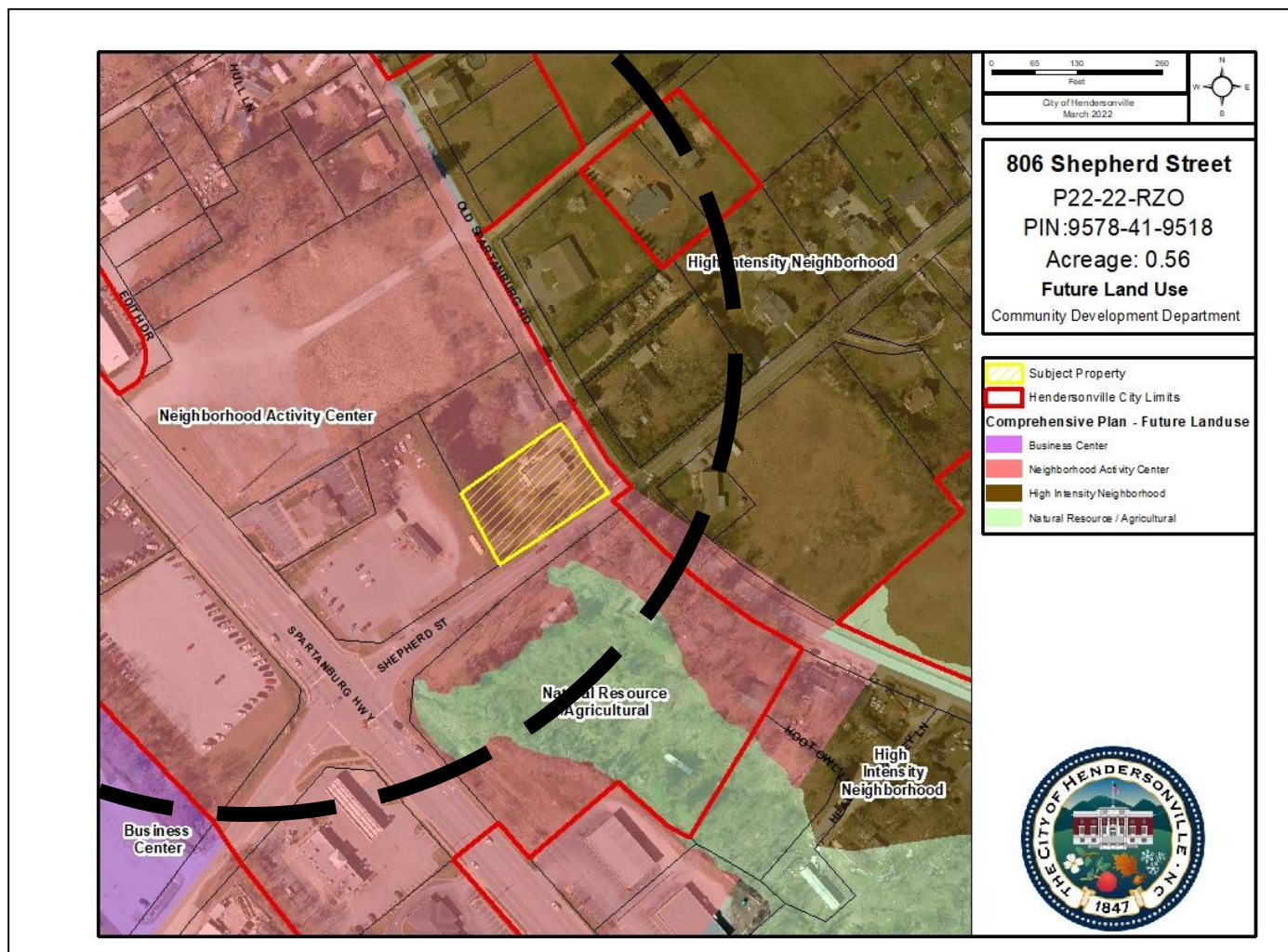


View from subject property from Old Spartanburg Rd facing southwest towards the BP service station at the intersection of Old Spartanburg Rd and Spartanburg Hwy



View of subject property from Shepherd St facing north towards Old Spartanburg Rd

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Neighborhood Activity Center. The subject property is also located in a designated Activity Node. High Intensity Neighborhood is the designation for parcels located to the east of Old Spartanburg Rd.

Spartanburg Highway is designated as a Major Thoroughfare while Old Spartanburg Rd and Shepherd St are each designated as Minor Thoroughfares.

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

COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	Goal LU-8. Neighborhood Activity Center: Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods.
	Strategy LU-8.1. Locations: <ul style="list-style-type: none"> Major intersections along existing local commercial corridors (US-25 and US176) [CONSISTENT]
	Strategy LU-8.2 Primary recommended land uses: <ul style="list-style-type: none"> Neighborhood retail sales and services [CONSISTENT]
	Strategy LU 8.3 Secondary recommended land uses: <ul style="list-style-type: none"> Offices [CONSISTENT] Multi-family residential [INCONSISTENT] Live-work units [CONSISTENT] Public and institutional uses [CONSISTENT] Pedestrian amenities (plazas, outdoor seating, etc.) [CONSISTENT] Mixed uses [CONSISTENT]
	Strategy LU-8.4. Development guidelines: <ul style="list-style-type: none"> Minimal parking in front of buildings (no more than one to two rows) along thoroughfares, with remainder of parking located to the side or rear [INCONSISTENT] Encouragement of buildings that are designed at a human scale, maximizing window coverage on ground floors and utilizing façade articulation [INCONSISTENT] Provision of pedestrian connections to parking and other buildings/properties [INCONSISTENT] Activity Nodes: <ul style="list-style-type: none"> Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] Placement of new buildings close to the street along thoroughfares (less than 20 feet from right-of-way) [INCONSISTENT] Location of all parking to the side or rear of buildings or in a garage encouraged [INCONSISTENT] Improved pedestrian connections to surrounding neighborhoods [INCONSISTENT] Inclusion of traffic calming improvements (described under Strategy TC-1.4 in Chapter 7) with redevelopment projects. [INCONSISTENT]
Land Use & Development	Growth Management: Designated as a "Priority Infill Areas" (Map 8.3a) - Priority Infill Areas (beige): Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [CONSISTENT]
	Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT] Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a. [CONSISTENT]

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

COMPREHENSIVE PLAN CONSISTENCY	
Population & Housing	Goal PH-1- Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes Strategy PH-1.1 – Promote Compatible infill development
	Goal PH-3 – Promote safe and walkable neighborhoods. Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	No Goals, Strategies, or Actions are directly applicable to this petition. The subject property is across the street from an area designated as Natural Resource / Agriculture
Cultural & Historic Resources	No Goals, Strategies, or Actions are directly applicable to this petition.
Community Facilities	No Goals, Strategies, or Actions are directly applicable to this petition.
Water Resources	No Goals, Strategies, or Actions are directly applicable to this petition.
Transportation & Circulation	TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -
	The subject property as well as the surrounding area is made up of primarily a mix of R-15 and C-3 zoned parcels with some C-4 located in proximity to the subject property. R-15 is primarily located east of Old Spartanburg Rd while the areas west of Old Spartanburg Rd contains a mix of C-3 and R-15. Locating higher intensity zoning districts within Activity Nodes and at key intersections is appropriate.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The parcel already contains a structure originally built as a single-family residence. Recent changes in the area include an approved final site plan for the development for a commercial use (carwash) at the corner of Shepherd St and Spartanburg Hwy. This parcel includes additional out parcels, not yet slated for development, which are zoned C-3 and extend from Spartanburg Hwy to Old Spartanburg Rd. Additionally, a parcel at the corner of Shepherd St and Old Spartanburg Rd was recently rezoned from R-15 to C-4 Neighborhood Commercial by the City for the placement of a Fire Station.
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 -
	The rezoning would allow for a wide range of commercial uses and residential uses at the intersection of two minor thoroughfares.

Public Facilities	<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 -</p>
	<p>A Water / Sewer Availability Request has not been submitted for this parcel. The parcel already contains a structure originally built as a single-family residence.</p> <p>The site will be served by two NCDOT maintained streets (Old Spartanburg Rd and Shepherd St.), both of which are classified as “minor thoroughfares” in the comprehensive plan.</p>
Effect on Natural Environment	<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 -</p>
	<p>The parcel already contains an existing structure. There is no blue line stream nor 100-year floodplain on the subject property. However, a 100-year floodplain is located across the street on the property south of Sheperd St. The NC Biodiversity & Wildlife Habitat Assessment data shows this parcel as unrated due to the existing impervious surface on the site.</p>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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 Neighborhood Activity Center designation calls for neighborhood retail sales and services as a primary recommended land use; and office, multi-family and other similar uses as secondary recommended land uses at locations which align with those listed under LU 8.1.

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:

DRAFT [Rationale for Approval]

- *The petition allows for increased intensity of uses at the intersection of two minor thoroughfares.*
- *The petition would align with the parcels adjacent to the subject property which are zoned C-3 and located between Old Spartanburg Rd and Spartanburg Hwy.*
- *The petition creates the opportunity for infill development at a greater density / intensity.*
- *The petition promotes walkable neighborhoods by creating mixed land use patterns that place residents within walking distance of services.*

DRAFT [Rational for Denial]

- *The parcel's proximity to R-15 zoning (across Old Spartanburg Rd) necessitates that an increase of intensity/density be accompanied with a site plan or a district which provides design standards.*

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9578-41-9518 BY CHANGING THE ZONING DESIGNATION FROM R-15 MEDIUM DENSITY RESIDENTIAL TO C-3 HIGHWAY BUSINESS

IN RE: Parcel Number: 9578-41-9518 806 Shepherd St Rezoning
(File # P22-022-RZO)

WHEREAS, the City is in receipt of a Conventional Rezoning application from Diane Ward (applicant & property owner).

WHEREAS, the Planning Board took up this application at its regular meeting on April 11th, 2022; voting _____ 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 May 4th, 2022, and

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: A portion of parcel number 9578-41-9518 from R-15 Medium Density Residential to C-3 Highway Business.
2. Any development of the parcels 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 seventh day of April 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

**Zoning Ordinance Map Amendment
Section 11-1 of the City Zoning Ordinance**

The following are the **required** submittals for a complete application for a Zoning Map Amendment. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☒ 1. Completed Application Form
- ☒ 2. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 3. Application Fee

A. Property Information

Name of Project: 806 Shepherd Street Rezoning Request

PIN(s): 9578419518

Address(es) / Location of Property: 806 Shepherd St, Hendersonville, NC 28792

Type of Development: Residential X Commercial Other

Current Zoning: R-15

Proposed Zoning: C-3

B. Adjacent Parcel Numbers and Uses

PIN: 9578416498 Use: C-3

PIN: 9578416498 Use: R-15

PIN: 9578511706 Use: R-15

PIN: 9578510342 Use: C-3

PIN: 9578511568 Use: R-15

Office Use:
Date Received: By: Fee Received? Y/N

C. Applicant Contact Information

Susan L Olcott DMD PA
* Printed Applicant Name

Printed Company Name (if applicable)

- ☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership
☒ Other: Individual

Susan L Olcott DMD PA
Applicant Signature

Buyer
Applicant Title (if applicable)

851 Peniel Rd
Address of Applicant

Columbus, NC 28722
City, State, and Zip Code

704-975-4648
Telephone

frdmgr19@gmail.com
Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

D. Applicant Contact Information

Diane D. and James S. Ward

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership☐ Other: _____*DIANE D WARD*dotloop verified
03/02/22 12:14 PM EST
YTX2-UZDZ-EYNH-SNJP*JAMES S WARD*dotloop verified
03/02/22 12:18 PM EST
30TN-BETX-WBS-UWYS

Applicant Signature

Owners

Applicant Title (if applicable)

129 SANDSTONE LN

Address of Applicant

HENDERSONVILLE, NC 28739

City, State, and Zip Code

828-606-8760 (Diane)

Telephone

dianew@beverly-hanks.com

Email

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

D. Section 11-1 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.**

Proposed use is consistent with future land use map and has no negative impact on the area.

Parcel has been declared as a Priority Infill Area in the City's growth management plan, which is considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties. Changing the zoning designation to C-3 would be compatible with the city's planned and intended future growth.

- b) Compatibility with surrounding uses – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property. (Also, see NCGS 160-601 (d) Down-Zoning)**

In the Future Land Use Plans for the City of Hendersonville, this parcel is in a designated Activity Node and classified as intended for development as a "Neighborhood Activity Center".

Several of the adjoining parcels are already zoned C-3, and with the City's plans for a new fire station on the parcel diagonally across from the Shepherd St and Old Spartanburg Highway intersection, the applicant's request for zoning change designation is fully compatible with the City's future development plans.

- c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)**

Applicant is unaware of any changed conditions, trends or facts that would require an amendment.

- 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. (Also, see NCGS 160D-601 (d) Down-Zoning)

For the reasons previously detailed in sections (a) and (b), the applicant believes that the proposed zoning change is fully compatible with the City's Land Use and Development plans.

- 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. (Also, see NCGS 160D-601 (d) Down-Zoning)

Property has direct access to, and currently utilizes city water and sewer services

- 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, storm water management, streams, vegetation, wetlands and wildlife.

Applicant is unaware of any adverse impacts this zoning change would have on the natural environment.