

### CITY OF HENDERSONVILLE PLANNING BOARD

City Hall - 2nd Floor Meeting Room | 160 Sixth Avenue E. | Hendersonville, NC 28792

Thursday, January 09, 2025 – 4:00 PM

### **AGENDA**

- 1. CALL TO ORDER
- 2. APPROVAL OF AGENDA
- 3. APPROVAL OF MINUTES
  - A. Minutes of November 14, 2024
- 4. OLD BUSINESS
- 5. **NEW BUSINESS** 
  - A. Rezoning: Conditional Zoning District Half Moon Heights Phase II (P24-41-CZD) Tyler Morrow– Current Planning Manager
  - B. Administrative Review: Preliminary Site Plan– Chabb Wood Acres Lane (A24-80-SPR)– *Tyler Morrow Current Planning Manager*
  - C. Zoning Text Amendment: Nonconforming Structures (P24-099-ZTA) Sam Hayes, Planner II
  - D. Zoning Text Amendment: Board of Adjustment Member and Quorum Changes (P24-088-ZTA)
     -Sam Hayes, Planner II

### 6. OTHER BUSINESS

- A. Election of Chair and Vice-Chair
- B. Approval of Annual Meeting Dates 2025

### 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.

### Minutes of the Planning Board Regular Meeting - Electronic November 14, 2024

Members Present: Peter Hanley, Tamara Peacock (Vice-Chair), Donna Waters, Kyle Gilgis, Jim Robertson

(Chair), Laura Flores, Bob Johnson

Members Absent: Chauncey Whiting

Staff Present: Tyler Morrow, Current Planning Manager, Lew Holloway, Community Development

Director. Matthew Manley. Long Range Planning Manager

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

- Il Approval of Agenda. Mr. Hanley moved to approve the agenda. The motion was seconded by Ms. Peacock and passed unanimously.
- III(A) Approval of Minutes for the meeting of September 12, 2024. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 12, 2024. The motion was seconded by Ms. Gilgis and passed unanimously.*
- III(B) Approval of Minutes for the special-called meeting of October 24, 2024. *Ms. Gilgis moved to approve the Planning Board minutes of the special-called meeting of October 24, 2024. The motion was seconded by Mr. Hanley and passed unanimously.*

Ms. Waters arrived.

### IV Old Business

IV(A) Zoning Text Amendment – Alignment of Urban Village and Urban Residential with the Gen H Comprehensive Plan (P24-66-ZTA). Mr. Manley gave the following background:

Chair briefly explained the agenda and stated public comment would be limited to three minutes.

Mr. Manley stated this item was presented to the Board in September and it was continued due to noticing issues for the public hearing. He gave a brief background of the application and the proposed amendment to Urban Village and Urban Residential which is included in the staff report and presentation.

Chair asked if there were any questions for staff.

Mr. Johnson stated in 5-26-6 you can longer have a single-family detached neighborhood. Mr. Manley stated you cannot have a single family detached neighborhood under Urban Residential at all anyway. Staff is introducing single family detached as a permissible use but limiting it to 50% of a development. Mr. Manley explained that this is a conditional zoning district and the city does not have any Urban Residential districts. This would be strictly for developers that meet the requirements for a mix of housing. Currently it only allows multi-family.

There were no further questions for staff.

Chair opened the meeting for public comment.

Lynne Williams, Chadwick Avenue was concerned about no real protection for the historic character for older neighborhoods that this could be placed upon. Urban Village type zoning does not honor the history of the neighborhood that is there. She doesn't have solutions but this is her concern.

Chair closed the public comment.

Mr. Manley stated this is conditional zoning district and would have to be applied for by an applicant. It is not a base zoning district that we are going out and applying. There would be a full process where a development would be proposed and it would go through the legislative process and have to meet the standards that are proposed. They are not going out and applying Urban Residential to historic areas. This would be applicant driven.

Ms. Gilgis moved Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-24. 'Urban Village Conditional Zoning District Classification (UV)' and Section 5-25. 'Urban Residential Conditional Zoning District Classification (UR)', and City of Hendersonville Subdivision Ordinance, Section 1.07 - 'Relationship to other laws and policies' as presented by staff and based on the following: 1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions. 2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. Urban Residential and Urban Village Zoning Districts were outdated. 2.The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive Plan. 3. The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan. Mr. Hanley seconded the motion which passed unanimously.

#### V New Business

V(A) Conditional Zoning District – Brooklyn Townhomes (P24-62-CZD). Mr. Manley gave the following background:

Mr. Manley stated this is a conditional zoning district application for Urban Residential zoning on three parcels at the corner of Brooklyn Avenue and Old Spartanburg Road. The applicant is Zach Grogan and the property owners are the Holbert family. Most of the surrounding properties are currently zoned R-15 and are located in the ETJ. They are proposing a 60 unit townhome development on 6.33 acres which is 9.5 units per acre.

A Neighborhood Compatibility meeting was held August 27, 2024. This project came to the city last year and a previous NCM was held but the project was put on hold and didn't move forward for a while. A number of topics and concerns were discussed related to the impacts of development.

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

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

Elevations were shown and are included in the staff report and presentation.

Developer proposed conditions were discussed and are included in the staff report and presentation. Staff is agreeable to the conditions. Mr. Manley went over the conditions.

A city proposed condition was shown and is included in the staff report and presentation. The neighbors were happy about this and the developer seemed agreeable to it but it is not shown on the site plan.

The Future Land Use map was show and is included in the staff report and presentation.

The Comprehensive Plan Consistency was explained and is included in the staff report and presentation.

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

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

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

A draft reasonableness statement was shown and included in the staff report and presentation.

Rationale for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Ms. Gilgis stated she was concerned about emergency vehicles. How is a fire truck going to get in and out of this site? Mr. Manley stated this was reviewed by the City's Development Review Committee which is an internal staff committee made up of all the various departments and that does include the Fire Marshal. The Fire Marshal has reviewed this and it meets the standards for the Fire Code and Appendix D according to them. It will also have to be reviewed again by them at the final site plan approval stage. If it happened to not be compliant it would have to be adjusted to be compliant. The developer may have more details.

Ms. Gilgis stated she noticed on the property it is tough to walk, she noticed there are wetlands and the developer is going to mitigate that with the retention pond? Mr. Manley stated they are staying away from those areas but are also required to provide stormwater detention. In terms of how that will function, the developer can speak more to that. The Stormwater/Floodplain Administrator is in attendance and might be able to weigh in.

They will be required to by the City's Subdivision Ordinance to have a Homeowner's Association in place.

Mr. Johnson asked about the sidewalk on Brooklyn Road and is this a public sidewalk. Mr. Manley stated it is a public sidewalk. The streets and the sidewalk will be city maintained and be for public access. Discussion was made about the five foot and seven foot sidewalks. Mr. Grogan stated on Brooklyn and on Spartanburg Road they are seven foot sidewalks. Mr. Manley stated they are only proposing five foot sidewalks internally. Mr. Manley stated there are no existing streets that the new streets will tie into. Mr. Johnson asked about sidewalks being on the left or right of the project. Mr. Manley stated there are no sidewalks on Brooklyn. Mr. Manley stated there may be opportunities to fill gaps where sidewalks are not located..

Ms. Flores asked what the condition was of the single family home. Mr. Manley stated he could not give a fair assessment especially post Helene. There are some on the site that are uninhabitable but there is one when he saw it that looked okay. We do have a tenant that is in that property and that home is proposed to be removed as part of this development.

Chair asked if the developer has agreed to the bamboo removal. Mr. Manley stated no.

There were no further questions for staff.

Chair asked the applicant to come up and speak.

Zach Grogan, 5 Jervey Road, Greenville SC stated they have been working on this project for a long time. They have tried to develop a project that fits with the Gen H Comp Plan. They are saving the environmentally vulnerable areas in the rear of the property and push all the development activities up towards the front. They feel like they have developed a plan that meets the requirements and hits all the high points on the conservation areas and the open space and the common open space, etc. They feel like they have put a plan together that people can be proud of. He can answer any questions the Board has.

Chair asked if there were any questions for the applicant.

Ms. Waters stated in the presentation there is no view of the rear of the units, is that part of what the city staff has seen? Mr. Grogan stated no, the way it is written in the zoning ordinance is to give an indicative rendering of the character of the units, that's what the requirement is. He feels like they have done that. He doesn't have anything on the rear.

Discussion was made on the units facing Brooklyn. Mr. Grogan explained how the units would sit.

Chair asked if these would be ownership or rental. Mr. Grogan stated these would be for sale for ownership.

Chair asked if they were staying out of the wetland area and how do you plan to protect it. Mr. Grogan stated there are very specific construction requirements they have to go through. There are two layers of fencing that is required. Mr. Manley stated silt fencing is required and tree preservation. Mr. Grogan stated the wetland will be aggressively protected.

Chair asked where the mailbox kiosk would go. Mr. Grogan stated it is in the rear and pointed it out on the site plan. The hatched area is a loading zone.

Chair asked if he had not agreed to the bamboo removal yet. Mr. Grogan stated they have no issues with the bamboo removal. Chair asked if he was agreeing verbally to that right now. Mr. Grogan stated yes. It is included in the tree canopy and factors into the math they see here. They would prefer not to do all of that math again. He agrees it should be removed. Discussion was made on the condition and adding the bamboo will be removed without doing all of the math.

Chair asked about the property being on a slab. Mr. Grogan stated they are on a concrete slab. Chair stated the only storage would be the garage and he asked what the length of the driveway would be. Chair asked about a condition of having a 25 foot driveway at minimum. Mr. Grogan stated he would not agree to a 25 foot driveway. That would essentially push the development back into the wetlands.

Jesse Hamlin, the project engineer stated building with a sidewalk, they have left 18 feet beyond the sidewalk for the driveway and then on the other side without the sidewalk it is 18 feet as well. That is another reason they were asking for some relief on the sidewalks on both sides. Every time they start doing this it just keeps pushing things back and then they end up in the environmental area. Chair stated the cars are not going in the garage. It will be storage because there is no basement and nowhere else to store your stuff. The cars will end up in the driveways but they are only 18 feet long and you have two cars so one will end up in the street plus the back end of the car in the driveway will end up on the sidewalk. Chair asked if they could push the garages back. Mr. Grogan stated they could potentially do that. Chair

stated what they are talking about here are possible conditions to make the development more attractive and safer.

Mr. Hanley asked what the height in the garage would be. Mr. Grogan stated it would be a standard garage, he does not know the height.

Chair stated on the site plan there is a little road called C E Mabry Lane. Does anyone know who C E Mabry is? Mr. Grogan stated yes, they have folks here who can answer that question. Someone stated this was his property. The road and the name will stay.

Ms. Peacock stated if they would be willing to book match some of the driveways. In their rendering of the image of the front on the interior side you actually do show the driveways next to each other with the landscape piece and when you have each driveway and then the landscape literally that landscape ends up being 10' x 18' whereas if you book match the driveways and the landscape would be double size. Mr. Grogan stated he sees what she is saying. He doesn't think that would be an issue. Mr. Grogan stated so the driveways would touch and it would create a larger space and he stated he does not think that would be an issue.

Mr. Hamlin stated the internal streets would be city streets and if there are folks parking on the street illegally the city would have reason to deal with that if it becomes a problem. Discussion was made on having parking on one side of the street. Ms. Peacock asked if that would widen the street. Mr. Manley stated they can get with Public Works to weigh in on this.

Mr. Johnson stated he knows they agreed to take up the bamboo but he would assume it would be their responsibility to put something back in that space. Mr. Grogan stated he assumes that would become more sod area there. There are some large trees in that area.

Mr. Grogan stated regarding the street trees along Brooklyn Avenue being an outstanding issue and did they want to discuss that now. Mr. Manley stated that can be worked out with city staff.

Discussion was made on street trees and NCDOT's requirements.

Mr. Grogan was asked about the price point for the units. He stated he did not know. They will not be the builder.

There were no further questions for the applicant.

Chair opened public comment.

Lauren Chale, 1014 Brooklyn Avenue stated they are on the long side that is not Spartanburg Highway and it looks like they did add a couple of extra trees there and she feels like they need to preserve what is there. They did not buy into this neighborhood and they are building it close enough that it feels like they are in it. They do not want to live in a neighborhood like this. She would like to see the street not point at the end into their living room and point into her mother's bedroom. She would like to see more trees on the street. That is a big line of houses and they did not buy into this neighborhood. They could take some off the street or give them more land between them and this neighborhood that they do not want to be part of. If they do this, it will ruin them because it is not what they want to live like and it is not fair to bring this upon them.

Ken Fitch, 1046 Patton Street was concerned about the unresolved issues on the plan before the Board. Traffic impacts for the existing homes was also a concern. Local residents have expressed concerns since a TIA is not forthcoming. A TIA would be helpful. The elimination of interior sidewalks seems detrimental.

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The function of the new public streets was also a concern. Having the two dead end situations without a turnaround was also a concern. Are these proposed public streets compliant with city standards? He was concerned about the street to the east being aimed at the adjacent property owner with no adequate buffering. He discussed headlights spilling onto the adjacent property. He discussed having a buffer and fencing between the properties. He also asked post storm, how did the wetlands function? Most wetlands in the city became lakes and larger tributaries. What happened here?

Glenn Lange, 623 Ferncliff stated he is a member of Hendersonville's Tree Board which is an advisory board to City Council. Reading the planning staff's comments there appears to be a large number of unresolved issues for this development. Particularly as it relates to landscaping plans and a larger number of issues than is normal at this point in time for developments under review. Reading through this it is hard to ascertain what the developer plans to do with tree preservation and tree planting. The document states that these issues will be resolved at a later time possibly not until a final site plan is approved by staff. Because of this he recommends that the Planning Board delay its review of the project until the landscape issues are resolved. He believes the Tree Board, the Planning Board and the public should be given a chance to comment on whatever resolution or accommodation is made with the developer before you make your recommendations to City Council. He believes any resolutions or accommodation should be made public before this goes to City Council next month. He believes it would be best for Planning Board to hear this next month to address the landscape issues.

Ms. Chale stated she understands that this project doesn't meet the requirement for a TIA but you also have to understand this is quarter mile road and it only fits 40 cars end to end. She did the math and 34 cars an hour does make a big difference. A traffic study seems pretty pertinent.

Wanda Ponder, Pace Road stated this is her families property and her grandfather developed it back in the 1930's. Her parents property is there and she was raised there and enjoyed Brooklyn Avenue but the time for that and the trailer park is gone. The trailer park did not conform to standards and it was let go into ruin and it is an eyesore. The two structures that are on it are also very problematic and they will be done away with. There are no sidewalks and a lot of foot traffic which comes from the trailer park down off of Runway Drive, they either walk in the street or walk all over her property to get to where they want to go. Now there will be a sidewalk for them and there will be trees and it will be really attractive to look at. There is only one neighbor that is complaining about it. This neighbor only bought this property a couple of years ago and her house is right on the edge of her property. Actually right now she drives on their property to get on her property. She is the one complaining and she understands that she will be affected the most but she just wanted them to know that the other neighbors in the area are thrilled. It will bring city facilities such as water and sewer that have never been available to them. Plus the sidewalks and the beautification of the project. She is a minority that is not happy with this and she is sorry about it for that. It is progress for the future and they are going to sale the property. She disagrees that they don't have their landscaping thought out and the tree canopy they will keep is substantial.

Peter Johnson, 924 Brooklyn Avenue stated he is the occupant of the last house on this property. The Holbert's were nice enough to let him occupy this property and his sense is that Brooklyn Avenue is not a shortcut to anywhere. It doesn't feel like they are dealing with an existing traffic situation and they have to have faith that they can deal with all of these people because we are not going to go back to the way it use to be. How do we accommodate the population growth? We also want to consider who will be living in these townhomes. It will be young professionals who are finding jobs in Hendersonville. We have to make sure that Magnolia is satisfying all of the requirements and there are some drainage requirements and they are resolvable. He feels the other side of Brooklyn Avenue is slated for development. He is in total support of this.

Martha Chale, 1014 Brooklyn Avenue stated she knows the people that own the property want to sale it and they are going to say how wonderful the project will be but to her the most important thing to do right now is a traffic study. That needs to be done and then you will see what they are talking about.

Natalie Rice, 1014 Brooklyn Avenue stated she is just a little worried about the project and she thinks doing a traffic study is very important. It is going to change how she gets to school and she only has four more years of going to high school and if this project goes through they will be surrounded by construction and obstructed by cars and vehicles sharing this two lane road. She thinks it is important to consider how this will impact the other people who live there.

Lynne Williams, Chadwick Avenue (zoom) stated to her this property has critical green infrastructure and her understanding is the neighbors are opposed to this. She is concerned about stormwater being held on the property. The front facing entrances will take away people's privacy. The TIA will be waived but people are saying they would like that. She was concerned about the removal of vegetation. It is on a local street and where do you see townhomes abutting on a local street like this. She doesn't see any affordable housing that will go in here. We all believe this is just too dense. Buffers will be needed. There was previous neighborhood comments that she is not seeing here and she feels that is important to hear. She was concerned about the tree canopy being destroyed and the bamboo that would be removed and covered with sod. How will that effect the wildlife? After the NCM how did the developer adjust his plan to meet the neighbors' concerns? She is not seeing any adjustments. How did the planning staff adjust the ordinances to make this development permissible? She did see some of those things happen so that the plan would meet the new requirements. Since the first NCM a lot of those requirements have changed. She hears a lot of opposition to this project.

No one else spoke.

Chair closed public comment.

The Board had discussion on the application. Stub outs for future connections were discussed. A Type C buffer was discussed. Mr. Holloway stated this is a pretty hefty buffer that is used in industrial zones. He stated a Type C buffer would be overkill. He would suggest either A or B. A fence could be added. Mr. Holloway stated they recently adopted Type A for separation of single family and multi-family so if you want to reference the zoning code and what was most recently changed to accommodate multi-family when placed next to single family residential we introduced a Type A buffer in those locations. It is designed to create security and privacy in between these two uses. This project is considered detached single family. This project will have to comply with the lighting ordinance.

Discussion was made on the traffic study. On the front page of the packet the numbers were explained. Mr. Grogan went over that.

Chair discussed conditions/concerns to be added to the motion.

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PINs: 9578-43-7077, 9578-53-0013, and 9578-43-9238) from R-15 (Medium Density Residential Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant [dated September 19, 2024]and presented at this meeting and subject to the following: 1. The development shall be consistent with the following permitted uses: a. Residential, Single-Family: 60 Townhomes 2. The development shall be consistent with the site plan, including the list of applicable conditions contained therein. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: Proposed City-Initiated Conditions: 1) Developer shall remove bamboo stand

at/near the corner of Old Spartanburg Road and Brooklyn Avenue to improve sight visibility, reduce future maintenance impacts on new sidewalks, and to reduce stress on other existing mature vegetation in that area (that shall be preserved). 3.. The petition is found to be [consistent] with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because: The requested rezoning to Urban Residential Conditional Zoning District and the associated proposed development align with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Multi-Generational Living'. 4. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The proposed development would improve an underutilized property in close proximity to a major commercial corridor. 2. The proposed development would provide additional needed housing. 3. The proposed development is clustered to reduce pressure on environmentally-sensitive areas at the rear of the site. Additional conditions are: 1.The Mabry name remain on the internal street. 2. A Type A buffer be used on the property line between single family residential homes and the townhome project. 3. Delineate on-street parking as negotiated with Public Works requirements. 4. Recessed garages as required to ensure secondary parking spaces do not conflict with sidewalks and improve safety. Mr. Johnson seconded the motion which passed unanimously.

Mr. Johnson left the meeting.

### V(B) Conditional Zoning District – 715 Greenville Highway (P24-39-CZD). Mr. Morrow gave the following background:

Mr. Morrow stated the city has received a conditional zoning application for the property located at 715 Greenville Highway. The property is made up of three individual parcels. The applicant is Travis Fowler of Victory, Inc. The property is currently zoned PCD, Planned Commercial Development. The applicant is requesting to rezone the subject property to UR CZD, Urban Residential Conditional Zoning District. The property is 9.01 acres and the applicant is proposing to construct 185 residential units on this property.

A Neighborhood Compatibility meeting was held on July 19, 2024. Eleven residents attended the meeting and seven public comments were received. Topics and concerns discussed were consideration of impacts from increased traffic, flooding impacts, no other four story buildings in the area, accident data on the nearby roads, affordability, stormwater concerns, stream buffers and their protection, density and the size of the building footprint.

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

Site photos were also shown before and after Tropical Storm Helene. These ae included in the staff report and presentation.

Photos from January 9, 2024 were also shown and are included in the staff report and presentation.

A rezoning history was given and is included in the staff report and presentation. Mr. Morrow explained the rezoning history.

A floodplain and floodway map was shown and explained and is included in the staff report and presentation. Mr. Morrow explained this and the location of the proposed buildings.

Mr. Morrow stated historic imagery from 2002 shows the commercial uses that were once present on the site. This was included in the staff report and presentation. Upon reviewing historic aerial imagery and available documents. It appears the site has had quite an extensive amount of grading throughout the years. It also appears that fill has been placed on the site as well.

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

A Traffic Impact Analysis was done and the trip generation results were discussed and are included in the staff report and presentation.

The developer proposed conditions were discussed and are included in the staff report and presentation.

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

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

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

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

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

A draft reasonableness statement was shown and included in the staff report and presentation.

Rationale for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Ms. Gilgis asked what are they going to do with all of that water. This site constantly floods. Mr. Morrow stated that is not a question for the city but more for the developer. If you do have any questions concerning stormwater or floodplain from a city perspective, Mike Huffman is here and he is the Floodplain Administrator.

Ms. Gilgis asked if they knew what was on this property before since it is a redevelopment. Mr. Morrow stated there were a couple of different things. Chair stated there was a restaurant among other things. Ms. Gilgis stated she just wondered if anyone knew the history of this property and why it has been vacant for so long. Mr. Morrow stated it appears there has been quite a bit of fill on the property. Our ordinance basically treats established development and grading and filling as development so you don't actually have to have a structure to be considered development. Land disturbance and filling is also considered development and there are standards for that as well. Judging by the documents staff has, the majority of this site has been developed in some way or another through the years. He doesn't really have a lot of information on the previous development.

Ms. Peacock asked about the 1,900 units that have been approved in the city and stated that less than half of those have moved forward. Mr. Morrow stated there is probably a good deal of those that are moving forward. Some of the larger projects like Universal at Lakewood and the Highland at Lakewood are under construction. A lot of the larger developments are under construction. There are some like Southgate that we consider inactive because we have not heard from them. Ms. Peacock stated the tax credit projects if they do not get their funding or start construction then they do not move forward. Mr. Morrow stated correct. She stated it is a bit deceptive because in truth we have not approved as many housing projects as we need. Mr. Morrow stated the project on Chadwick did receive their tax credits and will move forward.

There were no further questions for staff.

Chair asked if the applicant would come forward to speak.

Travis Fowler, applicant stated if they do not intensify density in downtown areas and previously developed sites especially those that have good access to local trails, such as the Ecusta Trail, it is new and it's change and something we are not use to seeing in the past, if we don't do that then the folks that want to live in this area are going to live in an apple orchard where we are going to have a lower density. Where the impact on long travel into town will be much, much worse instead of living downtown where we already have intensive traveled roads. So it will have a localized impact on travel, on daily traffic that is for sure. If you want to get to downtown you have maybe a quarter mile walk but living in Edneyville you would have to drive into town, your friends would drive into town and there would be six of you looking for one parking space and those are the things that haven't changed about what we do in the development world.

Mr. Fowler stated what has changed about the development and this site is about a month ago we had a historic flood in the area, he's heard 1500 year he has heard medieval, he has heard all kinds of things. It is amazing how much water we had in the area and there is no doubt that the site did take some water, there is no question about that. They went out and evaluated the elevation of the flood waters and what they would imagine is hopefully the only time we will see that much water in Hendersonville in our lifetime. They went out and evaluated that elevation then they took a look at their site plan and guess what is new? Their site because they are raising the elevation, won't flood anymore. How do they handle the water? They make sure the site doesn't flood. Back in January when the originally pulled this petition, they didn't know that. But it is new information and they do know that now. They are ensuring that the site will not flood. One of their entrance ways will have water on it and they met with DOT and have a traffic engineer here to help with that conversation. From a life safety standpoint, from an EMS standpoint they will be able to service the site. People may be inconvenienced fort a short period of time. Greenville Highway and Johnson's ditch may have some water right there at the gas station. They know they might see that again but the site will stay dry. Cars in the parking lot won't have water over their windshield, that is not going to happen. This will be another 185 doors and he knows Chadwick does flood and they have some problems there. The tenants will be able to walk down the road, hop on the Ecusta Trail, and be able to walk the town and go to any of the four grocery stores. They are redeveloping a piece of property that was already developed. Those are all the things he wanted to highlight. He knows they are going to talk about traffic, flooding and stormwater and how they are going to retain it. We are all accustomed to hearing those things Let's make sure we highlight an additional 185 doors coming to town. Even though the project across the street received their tax money, he has a project in Brevard that also has tax money but they are one million dollars over budget. It is a construction cost problem. They are getting the affordable housing tax credit project done but it is not a simple deal, just because you have tax credit dollars it doesn't mean it is going to move forward. He doesn't want to miss a chance to build more market rate apartments in a city that doesn't have enough market rate apartments. It is the perfect location. They don't have to cut down any trees, that is very new. That is extraordinary actually. He has the consulting engineer that designed the site and the landscape architect here. There floodplain guy is here that can help answer questions related to that. The guy that did the TIA is here and the TIA actually shows a decrease in traffic from 18 months ago.

Chair asked if there were any questions for the applicant.

Ms. Gilgis stated he had said he was going to build up the land, how high are you going to go?

John Kinard, project engineer stated they will be at least three feet above the Base Flood Elevation and on average the site is getting raised up four or five feet more than what it is now. Chair stated it has already been elevated in the past. Mr. Kinard stated correct. Chair stated you are going four or five feet higher than that. Mr. Kinard stated yes. Ms. Gilgis stated water still has to go somewhere even when you elevate your property, water is going to have to go somewhere.

Ms. Gilgis stated Walgreens built up, Publix built up, Fresh Market built up and there is obviously a flooding problem in that area. Are you going to make it better or are you going to make it worse? Mr. Kinard stated

he does not think their site will impact the flood elevations at all. They are just going up above the flood waters. They are however working with the city. There is a mitigation project behind them to help with that flooding situation and they are providing access to the site and helping them in any way they can with that mitigation project. Ms. Gilgis asked if they would have any kind of retention ponds. Mr. Kinard stated yes, they will have underground storm tech retention chambers. It does several things, one is water quality so it treats the first one inch of runoff, solids, oils that kind of thing in accordance with state regulations. In addition to that they are retaining the two and ten year storm, which is a Hendersonville requirement.

Ms. Waters stated the Walgreens at Greenville Highway and Spartanburg Highway intersection is much higher that what you are proposing to go and they are still closed. Do you have any idea why they are still closed? Mr. Kinard stated he believes it is actually lower than their site because they are raising their site more but he is not familiar with that site.

Ms. Peacock stated the site was previously paved and now there is some dirt over it and they are only going up but since the asphalt that is probably underneath that dirt is not permeable, are you budgeted to remove the old asphalt? Mr. Fowler stated there is no asphalt under there. Mr. Kinard stated it sounds like it has been removed already. When they did the filling they removed it. Mr. Fowler stated they have done analysis on the property and there is not asphalt, it has all been removed.

Chair stated so all the asphalt is gone. Mr. Fowler stated they drilled in all of those areas and did not find any asphalt.

Ms. Waters asked if the structure would be required to carry flood insurance. Andrew Beck, Floodplain consultant stated he thinks the plan going forward is to do a survey after all the grading is done and have that building pad and building removed from the Special Flood Hazard Area because it will be elevated and be above the Base Flood Elevation. So the answer is no, no flood insurance would be required in that case.

There were no further question for the applicant.

Chair opened public comment.

Ken Fitch, 1046 Patton Street stated the flood images and photos may prove more eloquent as the star witness than any other comments that have been made. He was concerned with the history of the flooding in this area is it logical to place this development in this location. It would seem to defy common sense to do this. He talked about the issues of access to the area as a huge concern during flooding. He was concerned about the impact on first floor uses. Access to local amenities won't happen when it floods. He talked about these being condos or rentals, that was something people would want to know. He understands wanting to utilize the property but mother nature still has a claim here.

Lynne Williams, Chadwick Avenue (zoom) stated the photo submitted during Helene was actually taken by her family because this is actually very real for them. They cannot get to the hospital because they are on Chadwick Avenue and it is an island. They have to take swift boats to get there, This is why this conversation is completely absurd. Publix was supposed to make the flooding better, how did that go? Notice how Publix was not flooded at all but how about the surrounding areas, how did they look? The water went all the way from South Rock Grill to chest height at the front of Fresh Market, do you understand that? This project was going to go before the Planning Board earlier this year but it was pulled because the whole property was flooded in January. The pictures and the comments that were submitted then are still relevant even though she does not believe they have been submitted here. The entrances and exits were under water. And during Hurricane Helene they were under water for over a day. It did not just dissipate in a few hours. She has been warning both the Planning Board and the Council that Chadwick and South Main would become an island and that is exactly what happened. Our public safety was completely at risk. The only way to the hospital was by swift boat from Grove Street. This will be built

in the floodplain. There is no affordable housing and there are no other buildings like this towering nearby. She was very concerned about the height of the buildings and raising the site plus having a three to four story building on the site. She stated 73.5% is to be built in the floodplain. She is not sure why we are even having this conversation. This is absolutely shocking. If Southgate had been built it would have been completely flooded, The public interest is that we are not interested. We find this to be a slap in the face. We ask you to reject this. This has everything to do with public safety. This is not the perfect location.

Chair asked if anyone else would like to speak. When no one else spoke, Chair closed public comment.

Mr. Hanley asked if these would be for sale or rent. Mr. Fowler stated rentals.

Ms. Peacock asked if it would be feasible to add more pervious parking, could you make most of the parking pervious? Mr. Fowler stated they can talk about it and see what they can work out. He feels it is not really financially feasible though. They are trying to keep a high quality product at a lower price. He would rather try to retain the water with a storm tech system than have pervious paving.

Mr. Hanley asked if Publix is higher than they will be when they are done. Mr. Fowler stated they will be higher than Publix.

Ms. Gilgis asked how big the tank would be in the storm tech system. Mr. Fowler explained how that is calculated and he was not sure how many gallons that would hold. It is engineered to the standards so that it will work.

Ms. Peacock asked in what ways do you think this development will improve the drainage in that area. Mr. Fowler stated this is a previously developed site, it is not a pristine open field, it is not a beautiful canopy, it use to be a parking lot so the soils that are out there now are not organic soils and the water that falls out of the sky is not falling on organic ground and it absorbs that water not at a normal rate. It doesn't perk at a normal rate. The water that leaves the site now is not treated. It falls on the ground, it runs through the dirt of a previously developed site that is not perfect soil and it goes straight into Mud Creek behind them. So what they are going to do is they will catch all of that water and they will retain the first inch and treat it. It will clean up the water that will leave the site. They will cannot make the flood not happen. Mother Nature will have her way. No they will not make the flood not happen. Ms. Peacock stated but the water from other areas flows through their site. Mr. Fowler stated they are raising their site up so the water that is in the road will stay in the road. The water over at Chadwick will not come onto their site. If it falls on their site they will treat it and release it, which is not happening right now.

The Board had discussion on the project. Chair found this irresponsible in a sense. You have people that went to bed that night not living in a floodplain and now they are gone. We are going to put 450 people in a floodplain. It is irresponsible. Right now the timing of this is very insensitive. Mr. Hanley stated once they raise the dirt up it will be outside of the floodplain. Chair stated the water has to go somewhere. The reason this piece of property is green on the 2045 Comp Plan is because it needs to be a cornfield. If a cornfield floods you buy off on your insurance, nobody dies. Chair stated they can make a motion but he finds this irresponsible and insensitive. Ms. Waters stated her concern is access and how they will be able to get to a hospital. Mr. Hanley stated he drives this area every day and the access they are putting up on Greenville Highway, you will be able to get in and out of. Chair stated that does not change his mind.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 185 multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 11-4-24] 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 2. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition is consistent with the Future Land Use and Conservation Map Designations of Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan. 3. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The petition proposes to provide additional housing to offset local rental demand. 2. The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail. 3. The site plan clusters development impacts out of the floodway portions of the site. Ms. Peacock seconded the motion. The vote was three in favor (Flores, Peacock, Hanley) and 3 against (Robertson, Gilgis, Waters). The motion did not pass with a tie vote. No other motion was made.

V(C) Zoning Map Amendment - Standard Rezoning – 329 Signal Hill Road - Givens (P24-71-RZO). Mr. Holloway gave the following background:

Mr. Holloway stated this is standard rezoning and not a CZD and does not include a site plan or a specific use. All uses in the proposed zoning district should be considered and no proposed intentions of the site are up for discussion. The location of the property is 329 Signal Hill Road.

Mr. Holloway discussed the location of the property and pointed it out on the screen.

The acreage is .42 acres and the current zoning is RCT, Residential Commercial Transition. The proposed zoning request is for C-2, Secondary Business.

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

Comprehensive Plan Consistency was discussed and is included in the staff report and presentation.

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

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

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

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

Chair asked if there were any questions for staff.

Chair asked if there was a chart comparing the land uses for RCT and the land uses for C-2. Mr. Holloway stated he did not have that in the presentation. He does not know if that was included in the staff report. Chair stated it is in the staff report. Mr. Holloway discussed those.

Ms. Peacock asked if staff is proposing any text amendments for C-2. Mr. Holloway stated at this point, no.

Ms. Waters asked what size septic system would they need. Mr. Holloway stated there is development already on the site and he presumes it has an adequate system septic. Septic's and their approval is done through the Henderson County Health Department.

There were no further questions for staff.

Chair asked if the applicant would like to speak. The applicant was not in attendance.

Chair opened the public hearing.

Ken Fitch discussed the septic and sewer. He asked what the process was to connect to sewer.

Chair stated if the applicant wanted sewer the closest is the Signal Hill Apartments. Mr. Holloway stated they would submit an availability request and depending on what that is, the cost to connect is on the developer and they have to build to city standards and agree to annex.

Chair stated there is no other C-2 in this area and it does not make sense to him. C-2 and C-3 really needs to be looked at for the Comp Plan.

No one else spoke.

Chair closed the public hearing.

The Board discussed the application.

Mr. Hanley moved the 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: 9579-06-4126) from RCT, Residential-Commercial Transition to C-2, Secondary Business, based on the following: 1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because: The proposed zoning of C-2 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Innovation'. 2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. C-2 Zoning would allow for greater economic use of the subject property. Ms. Flores seconded the motion. The vote was four in favor and two against (Robertson, Waters). Motion passed.

- VI Other Business.
- VII Adjournment The meeting was adjourned at 7:07 pm.

Jim Robertson, Chair		



## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Tyler Morrow **MEETING DATE:** January 9<sup>th</sup>, 2025

AGENDA SECTION: New Business DEPARTMENT: Community

Development

**TITLE OF ITEM:** Rezoning: Conditional Zoning District – Half Moon Heights Phase II (P24-41-

CZD) – Tyler Morrow– Current 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: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District, for the construction of 59 detached single-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 12-30-24] 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, Single-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 Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, 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 (PINs: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724) from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

- 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:
  - The proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.
  - 2. The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

- 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:
  - 1. The petition proposes to provide additional housing to offset local demand.
  - The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.
  - 3. The proposed density is consistent with other nearby developments.

[DISCUSS & VOTE]

[DISCUSS & VOTE]

SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre.

The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase I of the Half Moon Heights development to the north. All proposed streets will be built to public street standards

PROJECT/PETITIONER NUMBER:	P24-41-CZD
PETITIONER NAME:	<ul> <li>Tricia Chassen of Forestar USA Real Estate Group, INC [Applicant]</li> <li>Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor [Owner]</li> </ul>
ATTACHMENTS:	1. Staff Report
	2. Comprehensive Plan Review

3. Neighborhood Compatibility Summary
4. Proposed Site Plan / Elevations
5. Kimley Horn Turn Lane Warrant Analysis Memo
6. Proposed Zoning Map
7. Draft Ordinance
8. Application / Owner Signature Addendum

### REZONING: CONDITIONAL REZONING -HALF MOON HEIGHTS PHASE II (P24-41-CZD)

### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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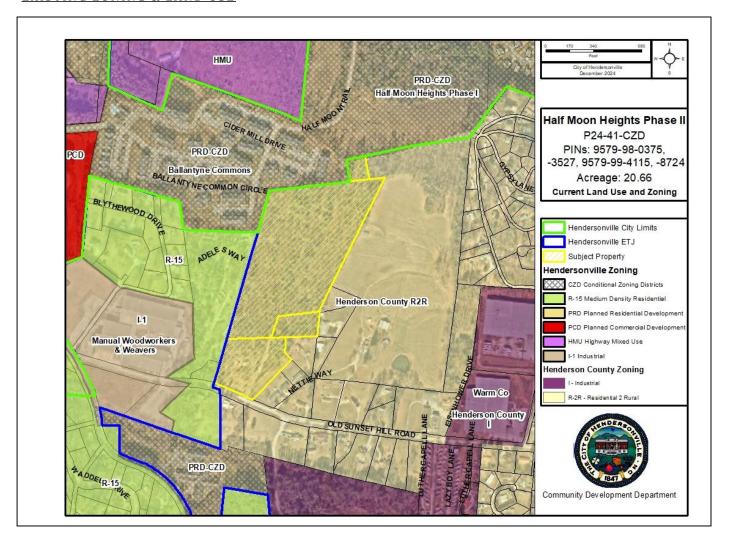
- Project Name & Case #:
  - o Halfmoon Heights Phase II
  - o P24-41-CZD
- Applicant & Property Owner:
  - Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant]
  - o Gregory and Julianne Albea [Owner]
  - o Joseph and Laura Taylor [Owner]
- Property Address:
  - o 205 Old Sunset Hill Road
- Project Acreage:
  - 20.66 acres after removing area to be deed to Connor Creek MHP and NCDOT (21.32 total)
- Parcel Identification (PIN):
  - 0 9579-98-0375
  - 0 9579-98-3527
  - 0 9579-99-4115
  - 0 9579-99-8724
- Current Parcel Zoning:
  - Henderson County Residential Two Rural
- Future Land Use Designation:
  - Henderson County- Infill Area
  - City of Hendersonville- Multi-Generational Living
- Requested Zoning:
  - PRD-CZD-Planned Residential Development Conditional Zoning District.
- Requested Uses:
  - o Residential, Single Family
- Neighborhood Compatibility Meeting:
  - o September 28th, 2024



SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre.

The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase I of the Half Moon Heights development to the north. All proposed streets will be built to public street standards.



### City of Hendersonville Current Zoning & Land Use Map

The subject property comprises four parcels currently zoned Henderson County Residential Two Rural. To the north, parcels are zoned Planned Residential Development Conditional Zoning District and include Ballantyne Commons, an apartment community with a density of 12 units per acre, and Half Moon Heights Phase One, a single-family development with a density of 2.67 units per acre. Farther north, single-family home subdivisions (Major PRDs), including Wolf Chase and Wolf Pen, have densities of 2.6 and 2.7 units per acre, respectively.

Parcels to the east consist primarily of smaller lots with single-family homes. However, a large, underutilized property directly adjacent to the subject property has redevelopment potential in the future.

To the west, the Connor Creek Mobile Home Park occupies the neighboring parcel. This park contains 94 mobile/manufactured home units, with a density of 12 units per acre. According to the survey provided by the applicant, some mobile homes in Connor Creek encroach on the subject property. To address this, the developer proposes deeding land to Connor Creek, thereby resolving the encroachments and bringing those units into conformity.



View of one of the streams that run through the subject property.



View from the subject property to the adjacent apartment development (Ballentyne Commons)



Typical view within the subject property.



View of the largely underutilized land to the east of the subject property.



View of Half Moon Heights Phase I from the subject property.



View of the adjacent mobile home park (Connor Creek).



View of the stream that runs along the western portion of the property.



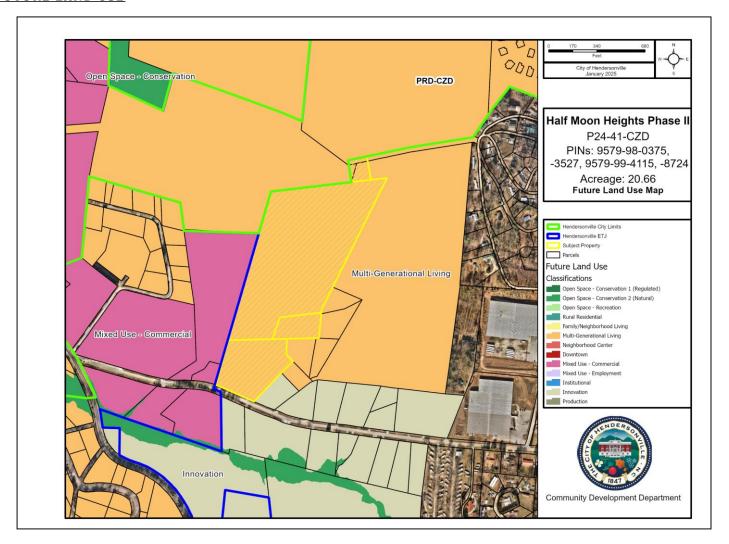
View of an existing house located on the subject property.



View of the subject property from Old Sunset Hill Road



View of the subject property's Old Sunset Hill Road frontage



City of Hendersonville Future Land Use Ma

The subject property is designated as Multi-Generational Living. These parcels and all other surrounding parcels included in existing Planned Residential Developments have this designation. Parcels to the west are designated as Mixed-Use Commercial and these parcels include the Connor Creek Mobile Home Park as well as the Manual Woodworkers & Weavers. The large, underdeveloped parcel to the east is designated as Multi-Generational Living. Parcels to the south along Old Sunset Hill Road are designated as innovation and Open Space Conservation.

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### PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Uses:
  - o Residential, Single Family
- o Building:
  - 59 Detached Single Family Units
  - o Building Coverage: 151,325 SF
  - 2.86 Units Per Acre.
- Site Coverage
  - Streets and Parking: 130,991 SF
  - o Open Space: 617,668 SF
  - o Common Open Space: 93,552 SF
  - o Proposed Lots: 470,313 SF
- Transportation:
  - The site will have two access points.
    - Access I (northern access) will be a continuation of a street stub out that was provided during phase I of Half Moon Heights.
    - Access 2 (southern access) is shown as a full movement access from Old Sunset Hill Road. A left-hand turn lane on Old Sunset Hill Road into the site will be provided.
- Sidewalks
  - A sidewalk will be provided on one side of all new internal streets and along the existing road frontage of Old Sunset Hill Road.
  - The sidewalks on the northern side of the property will tie into the sidewalk network for Half Moon Heights phase I.
- o Parking:
  - Parking required at I per each dwelling unit or I.5 per each dwelling unit containing three or more bedrooms:
    - Parking provided: 2 spaces per dwelling unit (I garage space and I driveway space).
    - 2 parallel spaces will be provided at the mail kiosk.
- Natural Resources
  - According to the 2008 FEMA floodplain maps, the entire property is outside of the floodplain.
  - The site does have several blueline streams where a stream buffer and transitional area are required. The proposed development shows the 30' stream buffer and 20' transitional zone on the site plan.
  - The site also contains delineated wetlands. Stormwater Administrator Mike Huffman proposed a condition to better protect the wetlands but it was not agreed to by the developer. The City's zoning ordinance does not currently

protect wetlands the same way that it does streams. Wetlands and their protection were a large topic of discussion during the Neighborhood Compatibility Meeting. Mr. Huffman's proposed condition was intended to further protect and monitor the wetlands.

- Landscaping and Tree preservation
  - The site will be required to provide the following landscaping:
    - Common and Open Space plantings
    - Street trees
    - Tier II Plantings
- The developer plans to preserve 3.9 acres of the existing tree canopy, equating to 20% of the total tree canopy on the site. Additionally, they propose preserving an extra 7.1% (1.38 acres) to partially fulfill the Tier II planting requirements. Under the zoning ordinances "Option 2" classification, the project will also be required to install an additional 7% of new tree canopy to fully meet the Tier II requirements.

### DEVELOPER-PROPOSED CONDITIONS:

- Proposed left turn lane on Howard Gap Road (SR-1006) onto Old Sunset Hill Road (SR-1744) will be constructed per the City's request if feasible within the existing right of way and if found necessary and/or acceptable by NCDOT. (This is a developer counter to the City proposed condition provided below in the report.)
- 2. The Developer proposes a lot side setback of 5.5'
- 3. The developer intends to achieve canopy installation requirements by using required street trees, common open space trees, and open space trees. In the event that this is not achievable, the developer will achieve the requirements of the remining tier two canopy by paying a fee in lieu of.

### OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

### **COMMUNITY DEVELOPMENT**

### Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Developments (5-14) (minus any developer proposed conditions).
  - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:
    - Landscaping:
      - Final determination on planting credits, species, locations, final quantity of required vs. proposed new plantings. The current plans show "areas to be screened, fenced, walled and/or landscaped" which is what is required at the preliminary site plan stage.

- All final landscaping comments will be addressed as part of the final site plan approval between City staff and the project designer in accordance with the City's ordinances.
- O Stream buffers:
  - There appears to be grading work within the stream buffer areas. This is not allowed by the zoning ordinance. This will need to be corrected during the final grading plan if approved by the City Council.

### **Proposed City-Initiated Conditions:**

None

### **DEVELOPMENT REVIEW COMMITTEE COMMENTS:**

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff have provided only the relevant/outstanding comments / conditions below:

### Stormwater/Natural Resource (Mike Huffman)

### Site Plan Comments:

• Made general comments concerning the protection of the wetlands and ways to limit the impacts to the wetlands.

### **Proposed City-Initiated Conditions:**

- Wetland Delineation and Buffer Establishment.
  - Prior to any land disturbance, a professional wetland delineation study shall be conducted to define the exact boundaries of all wetlands on the site.
  - A buffer zone of no less than 30 feet shall be established around all delineated wetlands, where no construction, grading, or vegetation removal may occur, except for restoration or approved mitigation activities.
- o Mitigation for Unavoidable Impacts:
  - o If any impact to wetlands is deemed unavoidable, the applicant must obtain the necessary permits from the U.S. Army Corps of Engineers or other relevant agencies and provide appropriate mitigation. This mitigation must include wetland creation, enhancement, or preservation at a ratio compliant with applicable federal, state, and local requirements.
- Monitoring and Reporting:
  - The applicant shall establish a monitoring program to assess the health of the wetland and buffer areas during and after

development activities for a period of no less than [2 years]. Annual reports documenting compliance with the wetland protection measures shall be submitted to The City of Hendersonville.

- Environmental Education and Site Signage:
  - The applicant must install appropriate signage to identify wetland areas and educate site users about their importance. Signage must be maintained in perpetuity.
- This condition ensures that development proceeds in a manner that minimizes or mitigates impacts on wetlands and associated ecosystems, protecting these resources for their ecological, aesthetic, and functional value. This condition was not agreed to by the Developer.

### TRANSPORTATION CONSULTANT (KIMLEY HORN)

### **TIA Comments:**

- The expected Trip Generation for the proposed phase II development is as follows:
  - 155 Detached Single-Family Homes (Phase I and II combined)
  - 1,510 Daily Trips
  - III AM Peak Hour Trips
  - 150 PM Peak Hour Trips

### Intersections Studied:

- o US 64 Southbound and Howard Gap Road
- o US 64 Northbound and Howard Gap Road
- o US 64 Northbound and Ballantyne Commons Circle
- US 64 and Half Moon Trial
- Howard Gap Road and Old Sunset Hill Road
- Sugarloaf Road and Old Sunset Hill Road
- Howard Gap Road and Sugarloaf Road
- Old Sunset Hill Road and Access A

### TIA's Proposed Mitigation:

- Old Sunset Hill Road and Access A
  - Construct an eastbound left turn lane on Old Sunset Hill Road at Access A with 50 feet of storage and appropriate taper.
- o US 64 SB & Howard Gap Road
  - No mitigation based on LOS
- US 64 & Half Moon Trail

- No mitigation based on LOS
- Howard Gap Road & Old Sunset Hill Road
  - No mitigation based on LOS.

### **Proposed Condition:**

o "Developer shall install a left-turn movement from Howard Gap Road onto Old Sunset Hill Road. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement." This condition was not agreed to by the Developer.

Jonathan Guy, the City traffic consultant states "It is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs. "

Additional information can be found in the Kimley Horn memo provided in the staff agenda packet.

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GENERAL REZONING	STANDARDS	
1) Comprehensive Plan Consistency	Land Supply, Suitability & Intensity  The subject property is outside the scope of the land suitability and supply maps and was not evaluated.  The subject property is in a Focused Intensity Node centered at the intersection of Howard Gap Road and Chimney Rock Road.  Future Land Use & Conservation Map- See Gen H appendix.  Designation: Multi-Generational Living Character Area Description: Consistent Zoning Crosswalk: Inconsistent	
	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –  The subject property is located near four other Planned Residential Developments, including three single-family developments and one multi-	
2) Compatibility	family development. Additionally, it is in close proximity to Chestnut Ridge, a subdivision under Henderson County's jurisdiction that was platted in 1988 and consists of approximately 118 lots on 62 acres. The US 64 corridor continues to experience growth, driven by the presence of large undeveloped and underdeveloped parcels in the surrounding area.	
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -  The subject property is requesting to be annexed into the City. If annexed, the City must apply zoning to the parcels. The owners and developers are requesting that the initial zoning be for the Planned	
	Residential Development that has been presented.  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 -	
4) Public Interest	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 634 detached single family homes. If this project is approved, Hendersonville's recently-approved detached single family homes would total 693. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% AMI.	
5) Public	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and	

Facilities	police protection and transportation are available to support the proposed amendment	
	Howard Gap Road is a NCDOT maintained road, identified in the Comprehensive Transportation Plan as a boulevard in need of improvements. If approved, the site would be served by City of Hendersonville water and sewer services. Water infrastructure is already available on Old Sunset Hill Road, while sewer service will be extended from the Connor Creek Mobile Home Park to the west.	
	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 -	
	According to the site plan, approximately 19.50 acres of the 20.66-acre property are currently covered by an existing tree canopy. Of this canopy, the developers propose to retain 3.9 acres, meeting the minimum tree preservation requirement of 20% for projects of this type.	
6) Effect on Natural Environment	The site includes blue-line streams identified by Clearwater Environmental and confirmed by the Army Corps of Engineers. These streams will be protected in compliance with the natural resource provisions of the zoning ordinance. Additionally, wetlands were identified on the site; however, unlike streams, the zoning ordinance does not extend specific protections to wetlands. As a result, the wetlands are not being preserved under local regulations. Any disturbance to the wetlands will require compliance with federal and state permitting and review processes.	
	Mike Huffman, the City's Floodplain Administrator and Stormwater Division Manager, proposed a city-initiated condition to enhance protections for the wetlands. However, this condition was not accepted by the developers.	

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

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 petition proposes to provide additional housing to offset local demand.
- The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.
- The proposed density is consistent with other nearby developments.

### DRAFT [Rational for Denial]

- The proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.
- The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.

### Half Moon Heights Phase II (P24-41-CZD)

Consistent	Inconsistent	Staff Notes
		Not listed in the land supply map.
		Not listed in the land suitability map.
) 		
Multi-Generational Living		
Somewhat Consistent		Consistent "It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family unitsLot sizes are similar to those in FNL, but with increased densities."  Inconsistent ", should incorporate design elements reflecting traditional single-family homes and "missing middle" housing, such as front porches, balconies, stoops, recessed or detached garages, and pitched roofs.
	Inconsistent	
	Consistent  Multi-Gener	Consistent  Multi-Generational Living

#### Half Moon Heights Phase II (P24-41-CZD)

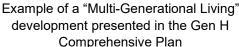
Chapter 4 - The Vision for the Future	Consistent	Inconsistent	Staff Notes
GOALS			
<u>Vibrant Neighborhoods (Pg. 93)</u>			
Promote lively neighborhoods that increase local safety.	Consistent		
Enable well-maintained homes, streets, and public spaces.	Consistent		
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent		
The design allows people to connect to nearby destinations, amenities, and services.	Consistent		
Abundant Housing Choices (Pg. 93)			
Housing provided meets the need of current and future residents.	Consistent		
Range of housing types provided to help maintain affordability in Hendersonville.		Inconsistent	No information has been provided to staff that any units would be considered affordable (80% or lower AMI).
Housing condition/quality exceeds minimum standards citywide	Consistent	moonolotone	2
Healthy and Accessible Natural Environment (Pg. 94)	Consistent		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent		
	Consistent		
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Consistent		
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality,			
stormwater management, and microclimate) is maintained.	Consistent		
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Somewhat Consistent		Additional actions could be taken to limit the intrusion into the delineated wetlands on site.
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent		The development is meeting the tree protection ordinance and stream buffer requirements.
Authentic Community Character (Pg. 94)			
Downtown remains the heart of the community and the focal point of civic activity	N/A		
A development near a gateway sets the tone, presenting the image/brand of the community.	N/A		
Historic preservation is utilized to maintain the city's identity.	N/A		
City Centers and neighborhoods are preserved through quality development.	N/A		
Safe Streets and Trails (Pg. 95)			
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent		The connection between this development and Half Moon Heights Phase I connects US 64 to Old Sunset Hill Road. This interconnectivity has happened fairly rapidly as property develops.

Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit,		<u> </u>	
automobile, ride share, and bike share.	Consistent		
Design embraces the principles of walkable development.	Consistent		
Reliable & Accessible Utility Services	Consistent		
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent	Г	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible	Control		
service delivery.	Consistent		
Satisfying Work Opportunities (pg. 96)			
The development promotes quality job options.	N/A		
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	N/A		
Welcoming & Inclusive Community			
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A		
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps			
residents develop a sense of place and attachment to Hendersonville.	N/A		
Accessible & Available Community Uses and Services (Pg. 97)			
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A	
Resilient Community			
N/A			
GUIDING PRINCIPALS (pg. 98)			
Mix of Uses (Pg. 98)			
Revitalization of Outdated Commercial Areas	N/A		
New business and office space promotes creative hubs.	N/A		
Compact Development (Pg. 100)			
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent		
The infill project is context sensitive [Large Infill Site].	Consistent		
Sense of Place (Pg. 102)			
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Place keeping and Placemaking and 3rd Places]	Somewhat Consistent		This project does not incorporate single family design guidelines provided in the Gen H plan such as front porches, balconies, stoops, recessed or detached garages
Conserved & Integrated Open Spaces (Pg. 106)	Somewhat Consistent		dotached bandbee
A diverse range of open space elements are incorporated into the development.	Consistent		
Desirable & Affordable Housing (Pg. 108)	Consistent		
Missing middle housing concepts are used in the development.	Somewhat Consistent		To promote missing middle housing in existing neighborhoods, some general considerations include ensuring that new home building architecture is compatible with existing adjacent homes
Connectivity (Pg. 112)			

The development encourages multimodal design solutions to enhance mobility.	Consistent		Further connectivity will be required through the subdivision review process, if approved. The connection between Half Moon Phase I and Half Moon Phase II is already providing very valuable interconnectivity.
Efficient & Accessible Infrastructure (Pg. 114)			
			The project will be extending utilities and
			buildings new roads to support the
The development utilizes existing infrastructure		Inconsistent	development.

#### City and County Comprehensive Plan Analysis







Example of "Infill Area" development presented in the Henderson County 2045

Comprehensive Plan

Henderson County 2045 Comprehensive Plan Future Land Use Designation: Infill Area.

The City of Hendersonville's Gen H Plan Future Land Use Designation: **Multi-Generational Living.** 

- a. The Henderson County 2045 Comprehensive Plan encourages a mix of housing types including single family detached residential.
- b. The City of Hendersonville's Gen H Comprehensive Plan encourages a mix of housing types including single family detached residential.
- c. The Henderson County 2045 Comprehensive Plan calls out a maximum allowable density range of four to eight units per acre.
- d. The City of Hendersonville's Gen H Comprehensive Plan does not specify specific densities, but the proposed density aligns with the vision portrayed. The development could likely be denser with attached single family residential.
- e. The Henderson County 2045 Comprehensive Plan calls out infill areas to be served by utilities. Note: There is an inherent conflict for nearly all areas designated as "infill areas" because they fall outside the Utility Service Area (USA) in the County's comprehensive plan. This is true for these parcels. The future land use designation calls for these areas to be served by utilities, but the Utility Service Area does not reflect this.

- f. The City of Hendersonville's Gen H Comprehensive Plan notes "Improving the framework for providing water and sewer service is crucial to efficiency and quality of service to residents"
- g. The Henderson County 2045 Comprehensive Plan states infill areas should have an improved transportation network and accommodate a variety of home options.
- h. The City of Hendersonville's Gen H Comprehensive Plan states "In bustling urban landscapes, the need for improved interconnectivity of streets has become paramount. Creating an interconnected street network isn't just about convenience; it's about relieving congestion, reducing travel times, and enhancing the provision of essential services. By weaving together a seamless web of roads and pathways, smoother traffic flows can be unlocked, commute durations shortened, and quicker access to vital amenities ensured."



## NEIGHBORHOOD COMPATIBILITY MEETING NEIGHBORHOOD COMPATIBILITY MEETING NEIGHTS PHASE II (P24-41-CZD) NCM MEETING DATES: SEPTEMBER 18, 2024

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

 APPLICANT/PETITIONER: Tricia Chassen, Forestar USA Real Estate Group, Inc [Applicant] & Gregory Albea, Julianne Albea, Joseph Taylor and Laura Taylor [Owners]

#### NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on September 18<sup>th</sup>, 2024 at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 37 minutes.

There were 4 members of the public in attendance in-person while 2 attended virtually. The applicant and their development team were present as was I member of City staff.

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

There were 0 pre-submitted public comments.

The development team was allowed to present their project proposal for the proposed single-family development.

Concerns and questions from the public related to:

- Streams and stream buffer requirements.
- Wetlands and whether any of the homes would impact them.
- Questions concerning the road and its ownership/maintenance.
- Discussion on whether an HOA would be required.
- Whether or not the cul-de-sacs within the development meet current fire code.
- The discussion surrounding the wetlands and the need to keep them off individual lots.
- The idea that the wetlands should be included in the common areas and maintained by the HOA was discussed.
- Tree preservation requirements being met.
- Discussions concerning the review process when a project disturbs wetlands.
- Buffer requirements were discussed.

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

## SITE IMPROVEMENTS

for

## HALF MOON HEIGHTS SUBDIVISION - PHASE 2

#### **DEVELOPMENT BLOCK** FORESTAR-OLD SUNSET

9579-98-0375

DB/PG: 4026-272 ACREAGE 3.88± AC OWNER: GREGORY MARTIN ALBEA 430 S MILLS RIVER RD MILLS RIVER, NC 28759

9579-98-3527 DB/PG: ACREAGE 4026-272 1.16± AC GREGORY MARTIN ALBEA OWNER:

430 S MILLS RIVER RD MILLS RIVER, NC 28759 SITE SUMMARY:

PROPERTY AREA:

928.695 SF - 21.32 AC

20.074 SF - 0.46 AC

8,637 SF - 0.20 AC

899,984 SF - 20.66 AC - 100%

470,313 SF - 10.80 AC - 52.26%

151,325 SF - 3.47 AC - 16.81%

617,668 SF - 14.18 AC - 68.63%

SITE COVERAGE - STREETS AND PARKING

SITE COVERAGE - COMMON OPEN SPACE

93,552 SF - 2.15 AC - 10.4%

TIER 2 CANOPY PRESERVATION (OPTION 2)

TIER 2 CANOPY INSTALLATION (OPTION 2)

130,991 SF - 3.01 AC - 14.56%

AREAS TO BE DEEDED AWAY:

NCDOT (R/W)

TOTAL PROJECT AREA:

PROPOSED LOT AREAS:

DENSITY:

SITE COVERAGE - BUILDINGS:

SITE COVERAGE - OPEN SPACE

59 UNITS / 20.66 AC

TIER 1 CANOPY PRESERVATION

2.86 UNITS / AC

EXISTING TREE CANOPY: 19.50 AC (100%)

3.9 AC (20%)

1.38 AC (7.1%)

1.37 AC (7.0%)

REQUIRED

PROVIDED

AVERAGE NATURAL SLOPE: 12.9%

2 SPACES PER LOT

59 LOTS = 118 SPACES

2 PARALLEL SPACES

120 SPACES TOTAL

(1 GARAGE SPACE & 1 DRIVEWAY

SPACE OUTSIDE OF R/W PER LOT)

PARKING SPACE CALCULATIONS

CONNOR CREEK MHP

9579-98-4115 DB/PG: 4026-272 ACREAGE 15.78± AC OWNER: GREGORY MARTIN ALBEA 430 S MILLS RIVER RD

MILLS RIVER, NC 28759 9579-99-8724 DB/PG: ACREAGE 3664-522  $0.50 \pm AC$ OWNER: JOSEPH HARLEY TAYLOR

LAURA SUZANNE TAYLOR 395 OLD SUNSET HILL ROAD HENERSONVILLE, NC 28792

**DEVELOPER:** FORESTAR (USA) REAL ESTATE GROUP, INC. 750 EXECUTIVE CENTER DRIVE, SUITE 10 GREENVILLE, SC 29615

**ENGINEER:** JARED L. DERIDDER, P.E. WGLA ENGINEERING, PLLC 724 5TH AVENUE WEST HENDERSONVILLE, NC 28739

SURVEYOR: ED HOLMES AND ASSOCIATES LAND SURVEYORS 200 RIDGEFIELD COURT SUITE 208

ASHEVILLE, NC 28806 TOTAL ACREAGE 21.32± AC

WATER SYSTEM ON SITE (PUBLIC) CITY OF HENDERSONVILLE SEWER SYSTEM

**CURRENT ZONING:** R2R (HENDERSON COUNTY)

PROPOSED ZONING: PRD (CITY OF HENDERSONVILLE) PLANNED RESIDENTIAL DEVELOPMENT

PERIMETER SETBACKS

**BUILDING SETBACKS (INTERNAL)** 

40' FROM NEAREST RIGHT-OF-WAY (10' WHEN PARKING IS SITUATED TO THE SIDE OR REAR OF THE BUILDING) 30' FROM EXTERNAL PROPERTY BOUNDARY

ON SITE (PUBLIC) CITY OF HENDERSONVILLE

FRONT: 35' FROM CL OF ROAD 5.5'

SIDE: REAR:

## CITY OF HENDERSONVILLE HENDERSON COUNTY NORTH CAROLINA

### **DEVELOPER PROPOSED CONDITIONS**

1- PROPOSED LEFT TURN-LANE ON HOWARD GAP RD (SR-1006) ONTO OLD SUNSET HILL RD (SR-1744) WILL BE CONSTRUCTED PER THE CITY'S REQUEST IF FEASIBLE WITHIN EXISTING RIGHT-OF-WAY AND IF FOUND NECESSARY AND/OR ACCEPTABLE BY NCDOT.

2- THE DEVELOPER PROPOSES A LOT SIDE SETBACK OF 5.5'

3- THE DEVELOPER INTENDS TO ACHIEVE CANOPY INSTALLATION REQUIREMENTS BY USE OF REQUIRED STREET TREES, COMMON OPEN SPACE TREES, AND OPEN SPACE TREES. IN THE EVENT THAT THIS IS NOT ACHIEVABLE, THE DEVELOPER WILL ACHIEVE THE REQUIREMENTS OF THE REMAINING TIER TWO CANOPY BY PAYING FEE-IN-LIEU OF.

CITY PROPOSED CONDITIONS

### SITE PLANS

SHEET NO. DESCRIPTION 1 - 2TOPOGRAPHIC SURVEY C - 100MASTER PLAN C-200-201SITE PLAN G-100-101SINGLE FAMILY ELEVATIONS

L-100

LANDSCAPE PLANS

Engineering

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 WGLA.COM NC LICENSE P-1342

HALF MOON HEIGHTS **SUBDIVISION** PHASE 2

VICINITY MAP

NOT TO SCALE

**HENDERSONVILLE HENDERSON COUNTY** NORTH CAROLINA



**REVISIONS** DATE DESCRIPTION



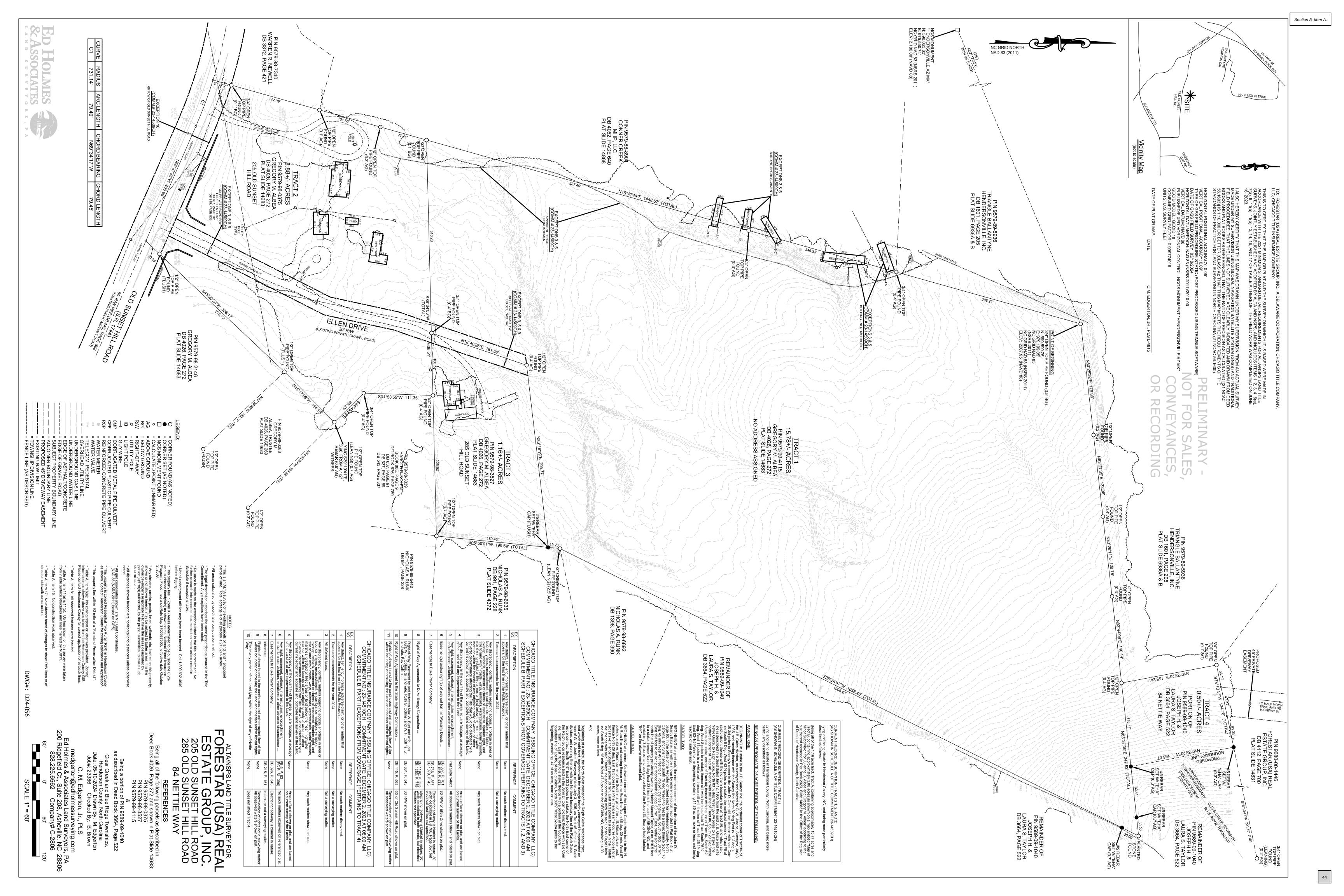
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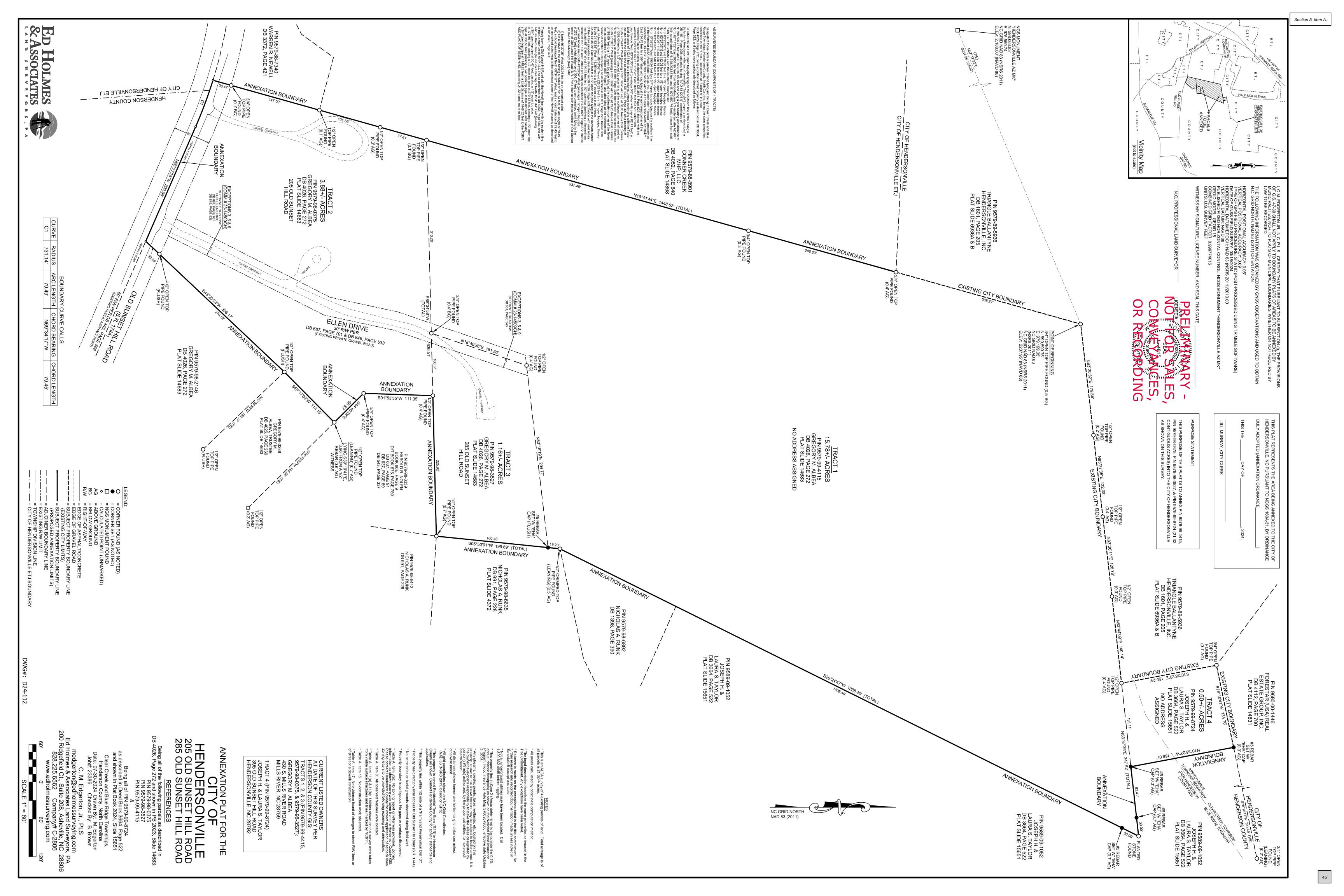
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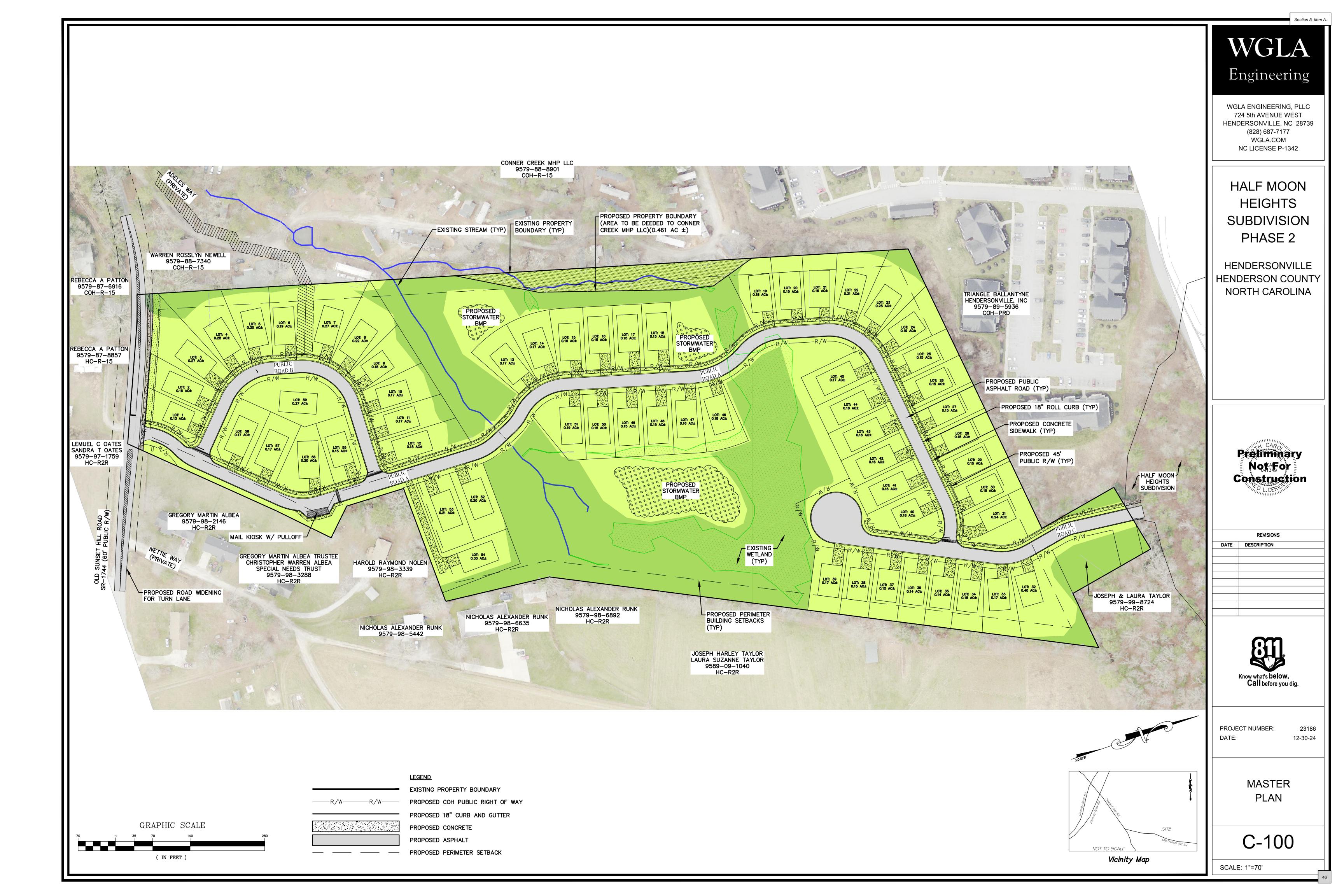
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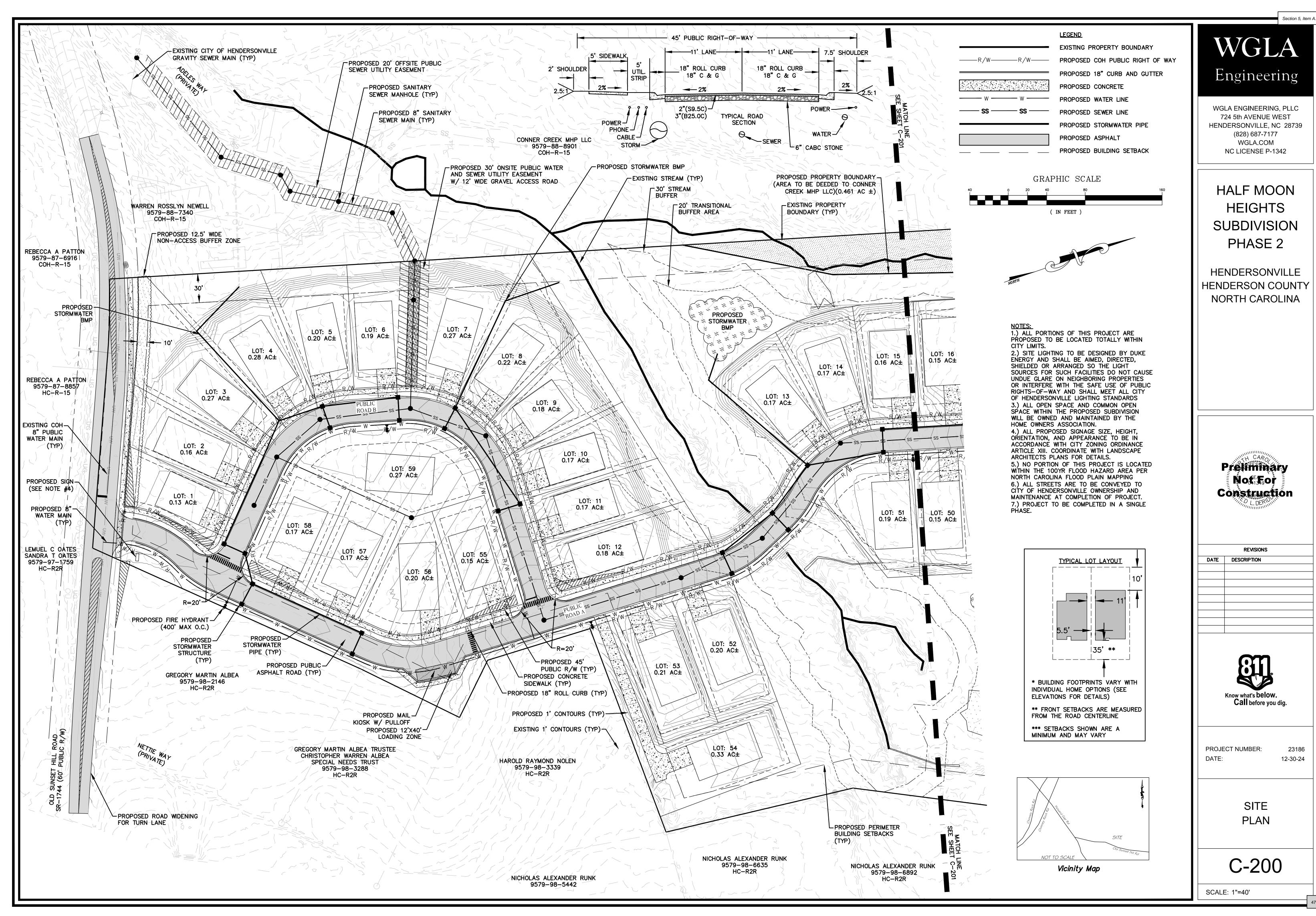
COVER

SCALE: AS NOTED



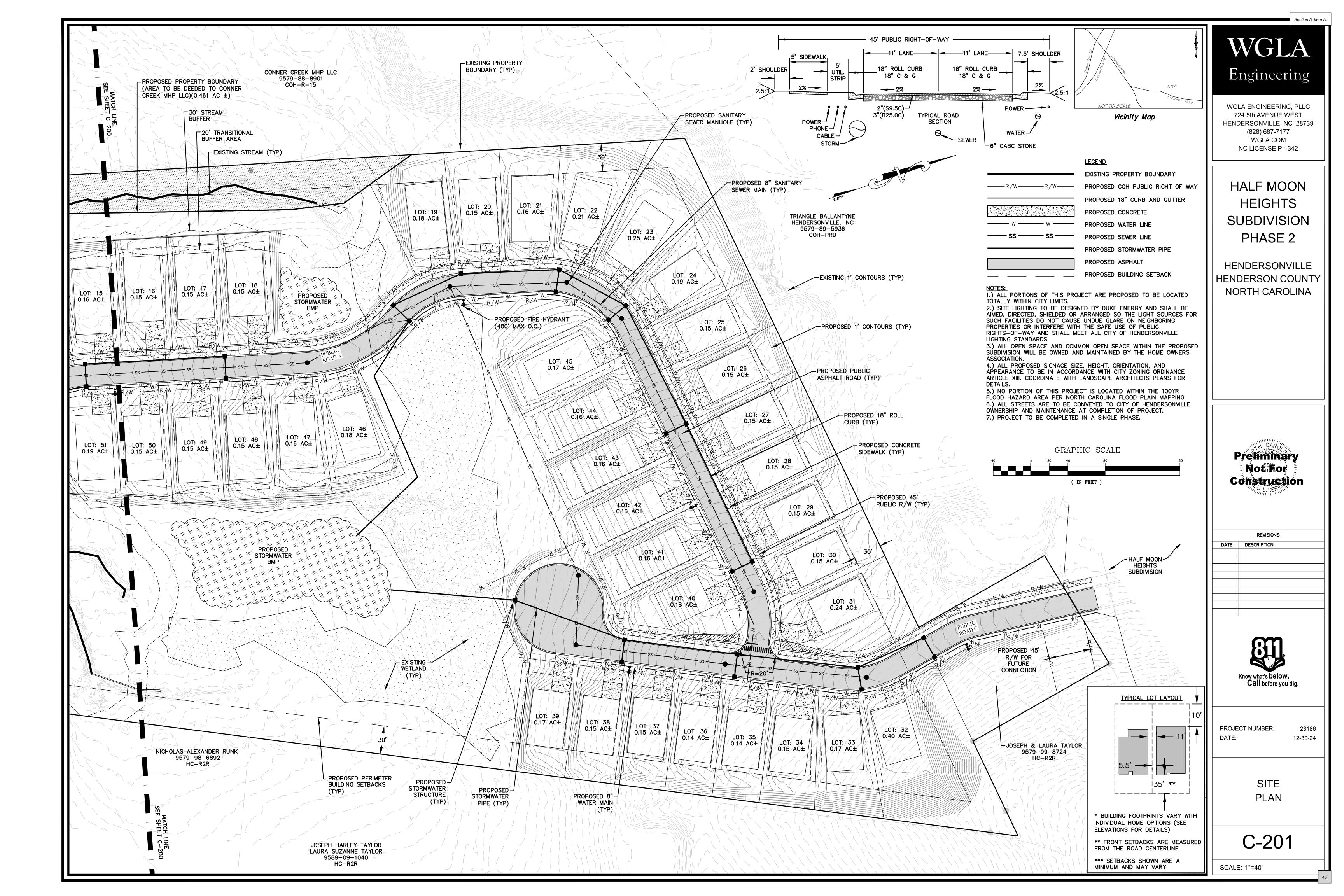






**HENDERSON COUNTY** 

12-30-24





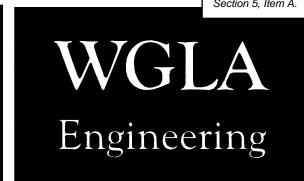












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724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

HALF MOON
HEIGHTS
SUBDIVISON
PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA



REVISIONS

DATE DESCRIPTION

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12-30-24

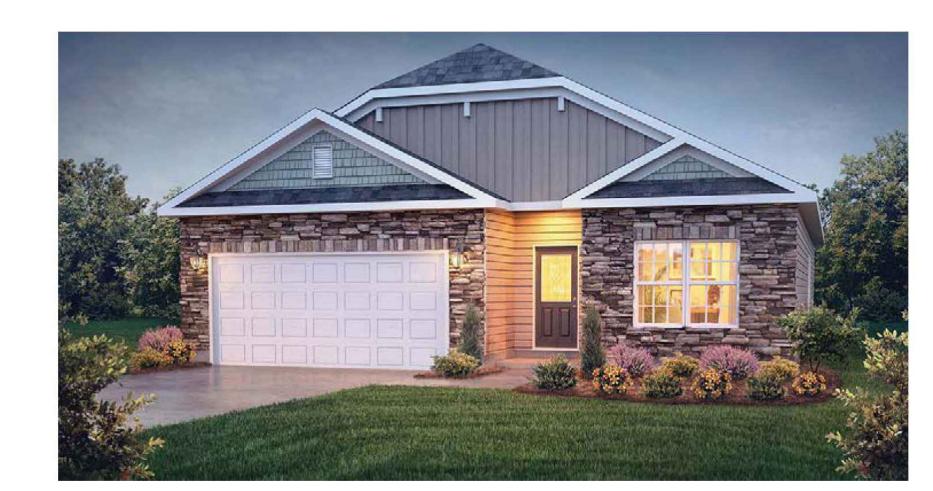
SINGLE FAMILY ELEVATIONS

G-100

SCALE: AS NOTED



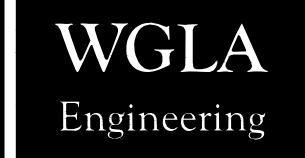












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# HALF MOON HEIGHTS SUBDIVISON PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA



REVISIONS

DATE DESCRIPTION



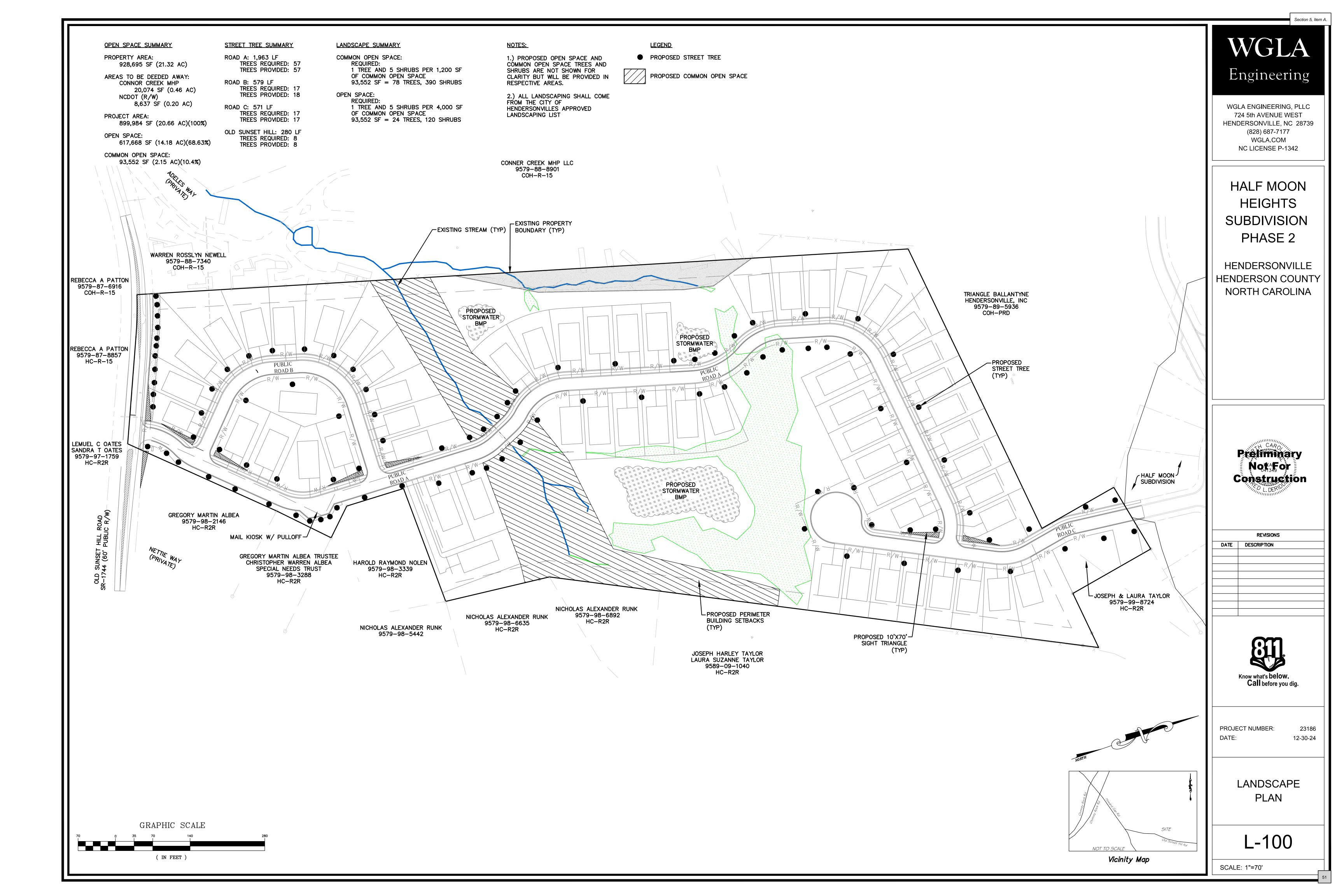
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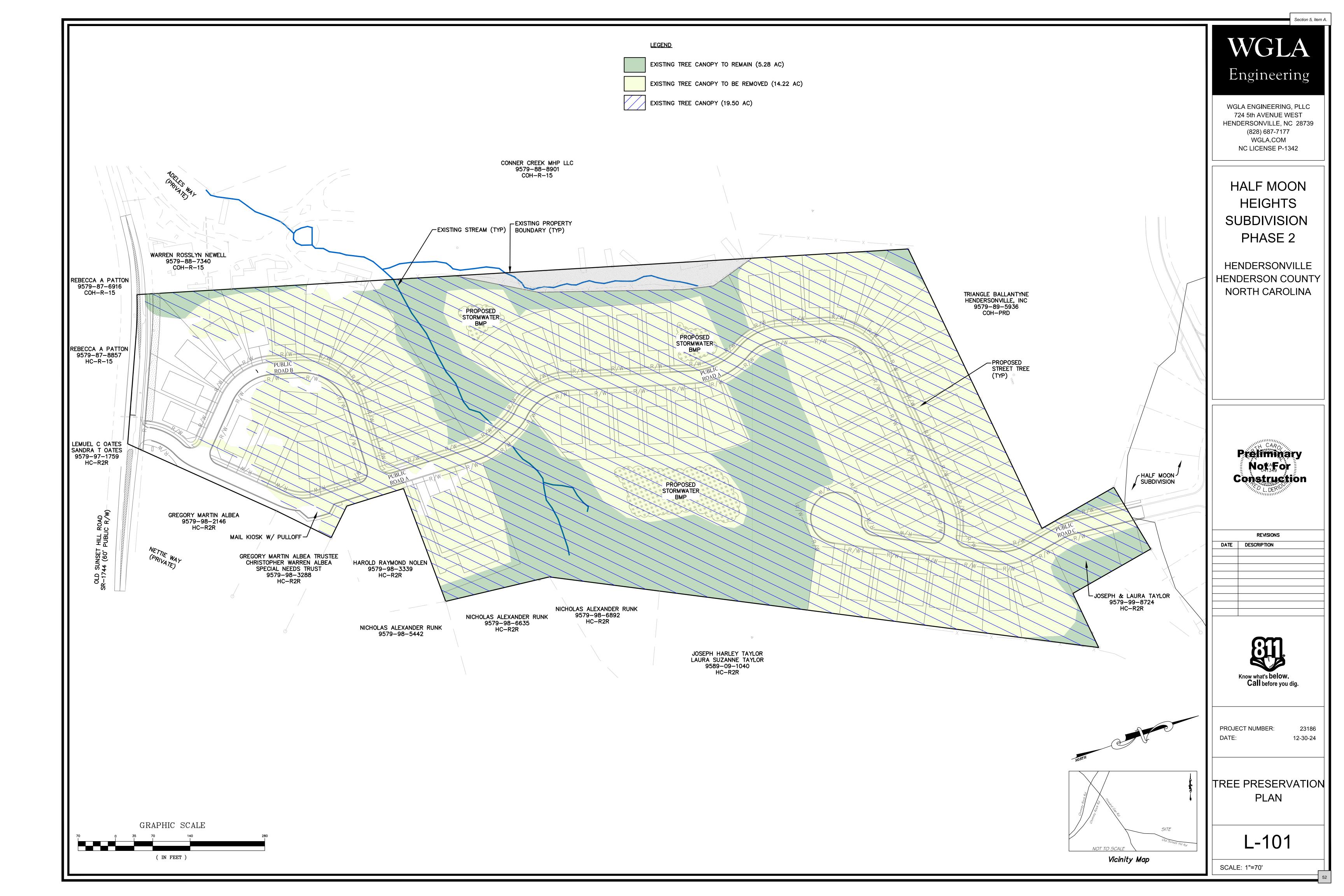
23186 12-30-24

SINGLE FAMILY ELEVATIONS

G-101

SCALE: AS NOTED







December 13, 2024

Mr. Tyler Morrow City of Hendersonville Community Development Department 100 N. King Street Hendersonville, NC 28712

RE: Old Sunset Hill Road TIA Review

Dear Tyler,

At the request of the City of Hendersonville, Kimley-Horn has conducted a review of the traffic impact analysis (TIA) prepared for the Old Sunset Hill Road development dated September 13, 2024, by Impact Designs, Inc. The proposed site is located on Old Sunset Hill Road off Howard Gap Road. The proposed site will have access off Old Sunset Hill Road at a new intersection as well as through interconnectivity via Half Moon Trail to US 64 (Chimney Rock Road).

This specific review focused on the unsignalized intersections noted for inclusion within the approved TIA scope document by the North Carolina Department of Transportation (NCDOT). The NCDOT Policy on Street and Driveway Access to North Carolina Highways, NCDOT Congestion Management Capacity Analysis Guidelines, and City of Hendersonville Zoning Ordinance. This memo outlines our technical review of the unsignalized intersections, specifically the turn lane warrants, and corresponding recommendations.

#### **TECHNICAL REVIEW**

The September 13<sup>th</sup>, 2024, TIA submitted by Impact Designs included four (4) existing signalized intersections and one (1) new site access (Access A). The following review looks are each of the unsignalized intersections related to the existing and proposed traffic volumes and how they relate to NCDOT's turn lane warrant nomograph. The NCDOT *Policy on Street and Driveway Access to North Carolina Highways* contains a nomograph warrant for left and right turn lanes, page 80. Each of the locations are discussed below along with the findings and recommendations.

#### US 64 at Half Moon Trail

The existing intersection of US 64 at Half Moon Trail currently has a left-turn lane from US 64 onto Half Moon Trail. A right turn lane from US 64 onto Half Moon Trail is also present. Furthermore, Half Moon Trail's approach to US 64 is a single lane with a shared left and right-turn lane. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Right turn from US 64 EB onto Half Moon Trail = AM (5 trips), PM (20 trips)
- Left turn from Half Moon Trail onto US 64 = AM (14 trips), PM (10 trips)
- Right turn from Half Moon Trail onto US 64 = AM (2 trips), PM (0 trips)

The proposed site will add the following trips to these movements:



Page 2

- Right turn from US 64 EB onto Half Moon Trail = AM (3 trips), PM (9 trips)
- Left turn from Half Moon Trail onto US 64 = AM (4 trips), PM (3 trips)
- Right turn from Half Moon Trail onto US 64 = AM (12 trips), PM (8 trips)

Since there are already right and left turn lanes from US 64 onto Half Moon Trail, and the cumulative volume from the site for the AM and PM peak hours sums less than 20 trips per each movement, additional capacity lanes are not needed on Half Moon Trail.

#### US 64 at Ballantyne Commons Circle

The existing intersection of US 64 at Ballantyne Circle currently has a right turn lane from US 64 onto Ballantyne Commons Circle. Furthermore, Half Moon Trail's approach to US 64 is a single lane for right turns only. Since this section of US 64 is one way where Ballantyne Commons Circle intersections, additional turn lanes are not needed. Furthermore, the site is adding less than 5 trips per movement for the AM and PM peak hours, the existing infrastructure is sufficient for the development.

#### Howard Gap Road at Old Sunset Hill Road (Eastern)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (100 trips), PM (147 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (6 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (9 trips), PM (7 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (222 trips), PM (101 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (12 trips), PM (40 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (3 trips), PM (9 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (8 trips), PM (5 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (47 trips), PM (32 trips)

The length of storage necessary was determined based on the NCDOT turn lane warrant nomograph. These are shown in the table below.

Approach	Existing		With Site Traffic	
Approach	AM	PM	AM	PM
Left turn from Howard Gap Road onto Old	75 ft	100 ft	75 ft	125 ft
Sunset Hill Road				
Right turn from Old Sunset Hill Road onto	150 ft	150 ft	175 ft	175 ft
Howard Gap Road				



Page 3

The volumes shown in the TIA show that turn lanes are warranted for a left turn from Howard Gap Road and a right turn from Old Sunset Hill Road. In review of the geometrics and the volumes from the intersection, a right turn lane, while warranted is not recommended. Upon review of the traffic volumes at the intersection, very few vehicles turn left from Old Sunset Hill Road in the AM or PM peak hour. With the site traffic, less 20 vehicles in the peak hours are projected to make this movement. That translates into a car every 3 minutes on average. As such the existing single lane operates as a dedicated right turn lane for the movement.

The left-turn movement from Howard Gap Road onto Old Sunset Hill Road is warranted and should be installed. While a turn lane is needed in both peak hours, the PM peak hour is the highest concern. In the PM peak hour, 147 existing vehicles turn left onto Old Sunset Hill Road. The proposed site will add 40 additional vehicles to this movement for a total of 187 vehicles. The 187 vehicles oppose 244 approaching vehicles and blocks 312 vehicles from passing the intersection. Furthermore, the skew of the intersection approach from Old Signal Hill Road does limit visibility for turning movement from Old Signal Hill Road and horizontal curvature of Howard Gap Road just past the intersection limits visibility for vehicles turning onto Old Signal Hill Road. The site constitutes 27% of the traffic turning left onto Old Signal Hill Road.

#### Old Sunset Hill Road at Howard Gap Road (Western)

The existing intersection of Howard Gap Road at Old Sunset Hill Road is a tee intersection that does not have left or right turn lanes on any of the three approaches. A summary of the traffic volumes, as taken from the sealed TIA, for each of these movements are as follows:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (8 trips), PM (14 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (148 trips), PM (61 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (68 trips), PM (93 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (16 trips), PM (6 trips)

The proposed site will add the following trips to these movements:

- Left turn from Howard Gap Road onto Old Sunset Hill Road = AM (0 trips), PM (0 trips)
- Right turn from Howard Gap Road onto Old Sunset Hill Road = AM (1 trips), PM (5 trips)
- Left-turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)
- Right turn from Old Sunset Hill Road onto Howard Gap Road = AM (0 trips), PM (0 trips)

With the low volume of traffic added to the intersection by the site, turn lanes are not recommended at this location.



Page 4

#### RECOMMENDATIONS

Based on the analysis contained in this memo, it is recommended that the City of Hendersonville consider requiring a left-turn lane from Howard Gap Road onto Old Signal Hill Road. The need for the turn lane, while present prior to the development, is further exacerbated with the addition of site traffic. The proposed site adds 40 vehicles in the PM peak hour, which equates to 27% of the total traffic for that movement. The additional traffic, the limited visibility, and the further impact to through movements on Howard Gap Road, all contribute to the need for the turn lane.

The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement. This approach should minimize overall impacts and construction costs.

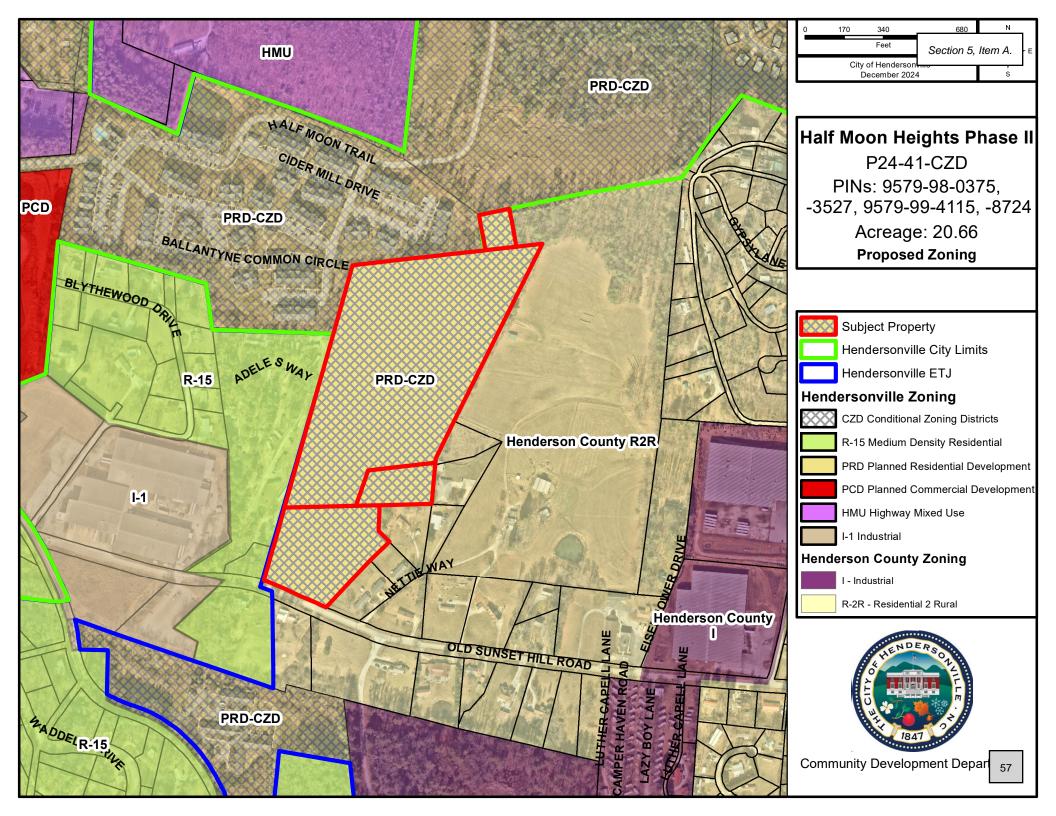
#### CONCLUSIONS

Please contact me at (704) 488-3055 or <u>jonathan.guy@kimley-horn.com</u> should you have any questions regarding this analysis.

Sincerely,

Jonathan Guy, PE, AICP, PTOE

Senior Vice President



Ordinance #	_	
$\mathcal{O}$	-	

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS: 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY R2R, RESIDENTIAL TWO RURAL TO PRD-CZD, PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724

Address: 205 Old Sunset Hill Road Half Moon Heights Phase II: (File # P24-41-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Tricia Chassen of Forestar USA Real Estate Group, INC, and property owners, Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor, for the construction of a 59 unit detached single-family development on approximately 20.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on January 9<sup>th</sup>, 2025; voting 0-0 to recommend/not recommend City Council approve 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 February 12th, 2025, 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: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724, changing the zoning designation from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District.
- 2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - a. Development shall comply with the master site plan submitted by the applicant dated December 30<sup>th</sup>, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
  - b. Permitted uses shall include:
    - i. Residential, Single-Family
  - c. Additional conditions that shall be satisfied prior to final site plan approval include:
- 3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
- 4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the 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 12 <sup>th</sup> day of February 2025.	
Attest:	Barbara G. Volk, Mayor, City of Hendersonville
Jill Murray, 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 all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9579-98-0375, 9579-98-3527, 9579-99-4115 & 9579-99-8724

Address: 205 Old Sunset Hill Road Half Moon Heights Phase II: (File # P24-41-CZD)

Applicant/Developer: <u>Tricia Chassen of</u>	Property Owner: Gregory Albea
Forestar USA Real Estate Group, INC	Signature:
Signature:	Printed Name:
Printed Name:	
Title:	Date:
Date:	Property Owner: Julianne Albea
	Signature:
	Printed Name:
	Date:
	Property Owner: Jospeh Taylor
	Signature:
	Printed Name:
	Date:
	Property Owner: Laura Taylor
	Signature:
	Printed Name:
	Date:



#### 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 <u>required</u> 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.

<b>✓</b>	1. Completed Pre-Application meeting with Planning Staff
✓	2. Scheduled Neighborhood Compatibility Meeting NCM Date: Time: ASAP
<b>✓</b>	3. Water and Sewer Availability Request
<b>✓</b>	4. Completed Application Form
<b>✓</b>	5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
<b>✓</b>	6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
<b>✓</b>	7. Detailed explanation of any Proposed Development Description
<b>✓</b>	8. Application Fee
	9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

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		
Tricia Chassen		
* Printed Applicant Name		
Forestar (USA) Real Estate Group, Inc.		
Printed Company Name (if applicable)		
✓ Corporation	Trust	Partnership
Other:		
Patricia Chassen Patricia Chassen (Mar 5, 2024 12:05 EST)		
Applicant Signature		
Director of Entitlements		
Applicant Title (if applicable)		
750 Executive Center Dr. Suite 10		
Address of Applicant		· .
Greenville, SC 29615		
City, State, and Zip Code		
864-940-6784		
Telephone	1	
triciachassen@forestar.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]

C. Additional Property Owner Contact Information
Julianne D. Albea
Gregory Martin Albea
* Printed Applicant Name Date
Represented by (Hayes Albea, Broker/Seller Representative)
Printed Company Name (if applicable)
□ Corporation □ Limited Liability Company □ Trust □ Partnership
□ Other:
Gregory M. Albea,  dottoop verified 07/19/24 9:07 PM EDT UXV1-PBYK-W2UZ-BJ60  Glean Gottoop verified 08/07/24 9:24 AM EDT FKXP-8ESY-2QEK-10UI
Property Owner Signature
Owner
Property Owner Title (if applicable)
430 S. Mills River Rd
Address of Property Owner
Mills River, NC 28759
City, State, and Zip Code
(828) 606-8007
Telephone
hayesalbea@kw.com
Email

B. Property Owner Contact Information (if different from Applicant)
Joseph Harley Taylor Laura Taylor
*Printed Owner Name (Authorized Representative for entities other than individuals)
Printed Company Name (if applicable, check corresponding box below)
Corporation Limited Liability Company Trust Partnership
Other:
Joseph V. Faylor Laura & Taylor
Property Owner/Authorized Representative Signature
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)
84 Nettie Way, Hendersonville, NC 28792
City, State, and Zip Code
878-674-0551
Telephone
taylorihbb@gmail.com
Email

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

<sup>\*</sup> 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.

C. Property Information				
Name of Project: Old Sunset Hill Subdvision				
PIN(s):				
Address(es) / Location of Property: 205 Old Sunset Hill Rd				
Hendersonville, NC 28792				
Type of Development:				
Current Zoning: Henderson County - R2R				
Total Acreage: 20.81				
Proposed Zoning: PRDCZD				
Proposed Building Square Footage:				
Number of Dwelling Units: 58				
List of Requested Uses: Planned Residential Development (PRD) - Single Family Homes				
Training Troughtian Botolopinon (FTAB) - Single Family Fromos				

#### D. Proposed Development Conditions for the Site

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

The proposed site will have two entry points (Old Sunset Hill Rd) and the Half Moon subdivision. The site will be single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

C. Property Information				
Name of Project: Old Sunset Hill Subdvision				
PIN(s):				
Address(es) / Location of Property: Adjacent to: 395 Old Sunset Hill Rd				
Hendersonville, NC 28792				
Type of Development:				
Current Zoning: Henderson County - R2R / Hendersonville - PRD-CZD				
Total Acreage: 0.5				
Proposed Zoning: PRDCZD				
Proposed Building Square Footage:				
Number of Dwelling Units: 58 (Part of a Larger Common Plan)				
List of Requested Uses:				
Planned Residential Development (PRD) - Single Family Homes				

#### D. Proposed Development Conditions for the Site

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

This portion of the site will be used as a connection between the existing Half Moon subdivision and the proposed subject subdivision. The proposed subject subdivision will be a single family residential community and will be a total of 58 lots. In addition to providing public utilities (water and sewer), the roads will be paved and walkable sidewalk throughout the community. Open space requirements will be maintained and all subdivision requirements for the PRD district will be adhered to. Annexation into the City of Hendersonville will be a requirement.

Section 5, Item A.

BK 4026 PG 272 - 274 (3)

This Document eRecorded:

DOC# 1000995389 03/28/2023 10:37:29 AM

Fee: \$26.00

Henderson County, North Carolina William Lee King, Register of Deeds

## NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax \$0.00

Parcel Identifier No. 9589273428, 9589279069, 9579983527, a portion of 9579982846 Prepared by and return to: Van Winkle Law Firm (JDV), PO Box 7376, Asheville, NC 28802-7376 Brief description for the Index: various lots Southern Visions Drive and Nettie Way

THIS DEED made this  $\frac{27\%}{4}$  day of  $\frac{1000}{4000}$ , 2023, by and between:

### **GRANTOR**

Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams

430 South Mills River Road Mills River, NC 28759

## **GRANTEE**

Gregory Martin Albea

430 South Mills River Road Mills River, NC 28759

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina, and more particularly described as follows (the "Property"):

See EXHIBIT A attached hereto and incorporated herein by reference.

NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.

THIS PROPERTY Does/ENot (check one) INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Submitted electronically by "Van Winkle Law Firm" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.

## BK 4026 PG 272 - 274 (3)

## DOC# 1000995389

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, and under or through Grantor, except for the exceptions hereinafter stated.

The property hereinabove described was acquired by Grantor via the Last Will and Testament of Donnie A. Williams of record in Henderson County Estate file number 22-E-870.

The undersigned Gregory Martin Albea is also serving as the Executor of the Estate of Donnie A. Williams and signs this deed also in his capacity as Executor to release any claim that the Estate might have with respect to the Property.

Title to the Property is subject to the following exceptions:

Utilities physically located on the Property, ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals, day and year first above written.

By:	Martu	2000	(SEAL)
		Jimes .	

Gregory Martin Albea, as Executor of the Estate of Donnie A. Williams

STATE OF North Carolina	
COUNTY OF Henderson	

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose state therein and in the capacity indicated: **Gregory Martin Albea** 

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

Notary Public

Polk

County

My Comm. Exp.

06-06-2026

Othery Public

Jasaia Vetter

(Printed Name of Notary)

My Commission Expires: 6/6/2026

## BK 4026 PG 272 - 274 (3) DOC# 1000995389

## EXHIBIT A

## Tract 1:

BEING ALL OF LOT 2R, consisting of 1.09 acres, and LOT D, consisting of 10.62 acres, as shown on Plat Slide 14682, Henderson County Registry (the "Plat").

TOGETHER WITH AND SUBJECT TO the right of way for ingress, egress, regress, and utilities over Southern Visions Drive as shown on said Plat for the benefit of Lot D, Lot 2R, Lot A, Lot B, and Lot C shown on said Plat.

## Tract 2:

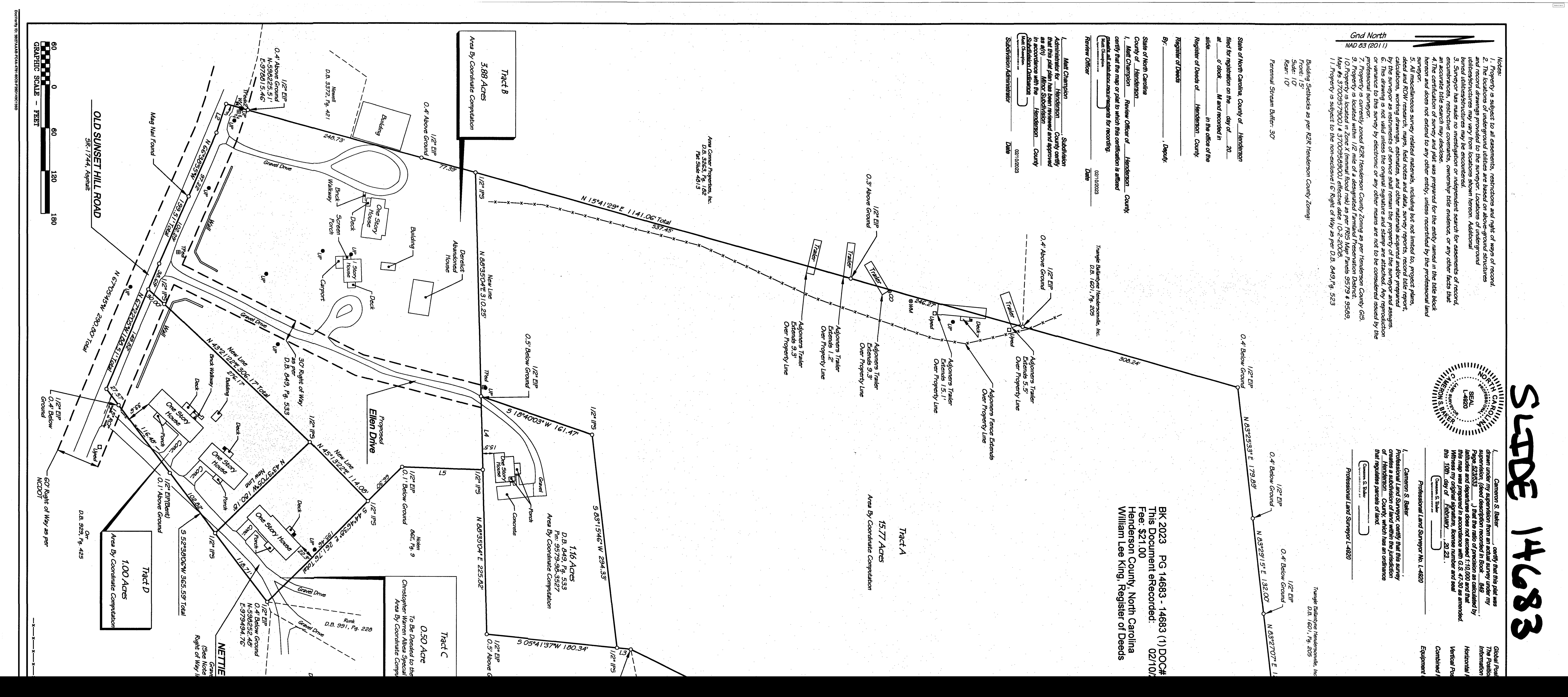
BEING ALL OF that 1.16 acre parcel, and Tract A, consisting of 15.77 acres, and Tract B, consisting of 3.88 acres, as shown on Plat Slide 14683 of the Henderson County Registry (the "Plat")

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over that 30' Right of Way labeled "Proposed Ellen Drive" as shown on the Plat and described in Book 849, Page 533.

## Tract 3:

BEING ALL OF that Tract D, consisting of 1.00 acres, as shown on Plat Slide 14683 of the Henderson County Registry.

TOGETHER WITH AND SUBJECT TO a right of way for ingress, egress, regress, and utilities over Nettie Way, as shown on the Plat and described in Book 849, Page 523.



BOOK 3664 PAGE 522 (3)

946434

This document presented and filed: 03/05/2021 03:49:05 PM

WILLIAM LEE KING, Henderson COUNTY, NC

Transfer Tax: \$0.00

Doc Stamps \$

Prepared by: Sharon B. Alexander Deed Preparation Only

### STATE OF NORTH CAROLINA

## **DEED OF RECOMBINATION**

**COUNTY OF HENDERSON** 

-> P4M THIS DEED, made and entered into this 3 day of March, 2021, by and between JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (herein referred to as the "party of the first part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792) and JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, (the "party of the second part" and having a mailing address of 395 Old Sunset Hill Road; Hendersonville, NC 28792);

WHEREAS, the Joseph Harley Taylor is the owner of all of the property described herein below and identified by different real estate identification numbers within the tax records for Henderson County, North Carolina, as follows: 201879; 9926544 and 1012107;

WHEREAS, the party of the first part wishes to combine all of the property described herein below into one tax parcel and executes this Deed of Recombination for that purpose;

WHEREAS, the property described herein below was previously owned by Emanuel Taylor and Elizabeth Agatha Taylor as tenants by the entirety;

WHEREAS, Emanuel Taylor died on March 24, 2006;

WHEREAS, the property described herein below was owned by Elizabeth Agatha Taylor a/k/a Elizabeth G. Taylor a/k/a Elizabeth Guice Taylor a/k/a Agatha Elizabeth Guice Taylor at the time of her death on October 22, 2020;

WHEREAS, the Last Will and Testament of Elizabeth Agatha Taylor was admitted to probate on November 12, 2020, as reflected in File No. 20 E 1019 in the office of the Clerk of Superior Court for Henderson County, North Carolina; and

WHEREAS, the party of the first part wishes to hold said property as tenants by the entirety and executes this deed also for that purpose.

## WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey in fee simple unto said party of the second part, their heirs and assigns, certain tracts or parcels of land to be recombined as one parcel, lying and being in Blue Ridge Township, Henderson County, North Carolina, more particularly described as follows:

### PARCEL ONE

BEGINNING at a stake in the J.D. Searcy line, the northeast corner of Tract #4 of the J. B. Guice division, as surveyed and platted by G. W. Justice, Surveyor, July 3, 1935, and running thence with the Searcy line North 82 deg East (v.1 ½ deg.) 35-3/4 poles to Searcy's corner in the John D. Corn old line; thence with said Corn line South 5 Deg. West 43 ½ poles to a stake, the northeast corner of Tract #6 of said division; thence with the northern boundary line of Tract #6, and which said line is described in a deed dated July 12, 1935 from the said J. B. Guice and wife Nettie Guice, to Ralph Guice, North 83 ½ deg West 32-3/4 poles to a stake, the northwest corner of Tract #6; thence with the line of Tract #6, South 29 Deg West 18 poles to a stake, corner of Tract #4; thence with the line of Tract #4, South 62 deg. West 8 poles to a stake; thence still with the line of said Tract South 76 ½ deg. West 11 poles to a white oak; thence still with the line of Tract #4, 25 1/4 deg East 63-1/5 Poles to the Beginning; containing 11.75 acres more or less, and being Tract #5 of said division, and being the same property conveyed from T. F. Orr and wife, Milda Orr to Ralph E. Guice and wife, Velma S. Guice, recorded in Book 267, page 114.

And excepting and reserving as a right of way for the benefit of Tracts 4, 5, 5-A, and 6 of said division a strip of land 16 feet wide extending from the public road above mentioned Northward along the Western boundary lines of Tracts 5-A and 6, to the point where the above call "North 62 deg, East 8 poles to a stake intersects with the Western boundary line of Lot #6, which right of way is granted in deed from J. B. Guice and wife, Nettie Guice, to Mary Guice, July 12, 1935, and recorded in Deed Book 215, page 151, Records of Deeds for Henderson County, North Carolina.

ALSO BEING all of that real property described in deed of record in Deed Book 364, Page 239 in the office of the Register of Deeds for Henderson County, North Carolina.

## **PARCEL TWO**

BEGINNING at a post oak, the northeast corner of the division of the John D. Searcy Estate, as will be shown by reference to plat recorded in Plat Book 5, at page 63, in the office of the Register of Deed for Henderson County, North Carolina, and runs thence South 79 deg West 445 feet to a stone; thence South 76 deg. 45 min West 457 feet to an iron pin; thence a new line, South 5 deg. 30 min. East 153 feet to an iron pin; thence North 83 deg. 30 min East, partly along the north line of property previously owned by Harley Manuel Taylor, et ux, 816.5 feet to a stake; thence North 5 deg East 231 feet to the point of BEGINNING, and containing 3.5 acres, and being a portion of the Robert G. Searcy tract labeled "6-F" on the above mentioned plat.

ALSO BEING all of that real property described in deed of record in Deed Book 379, Page 355 in the office of the Register of Deeds for Henderson County, North Carolina.

## PARCEL THREE

BEGINNING at a stone, Southwest corner of the Logan Cagle Heirs tract in the H. M. Russ line; and running thence with the Russ line North 86 deg. 30 min. West 57 poles to a stake, Russ' corner of the South margin of the J. B. Guice private road; thence North 29 deg. East 19.5 poles to a Pine; thence same course 40 poles to at stake; thence South 75 poles 30 min. East 33.3 poles to a stake in the Triblett line; thence with said Triblett line and continuing with the said Logan Cagle Heirs line South 5 deg. 15 min. West 47.3 poles to the BEGINNING, containing 14.33 acres, more or less, and being a part of the J. B. Guice Home Place originally conveyed to him by Margaret Guice, by deed now of record in Henderson County as recorded in Deed Book 210, page 236.

ALSO including a tract of land consisting of approximately .47 acres as recorded in Deed Book 213, page 12, reference to same being made hereby for a more complete and accurate description.

ALSO BEING all of that real property described in deed of record in Deed Book 690, Page 695 in the office of the Register of Deeds for Henderson County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, to the said party of the second part, their heirs, successors and assigns in fee simple forever.

AND the party of the first part covenants with the party of the second part that the party of the first part has done nothing to impair such title as the party of the first part received, and the party of the first part will warrant and defend the title against the lawful claims of all persons claiming by, under or through the party of the first part, except this conveyance is made subject to the rights-of-way for Old Sunset Hill Road and Nettie Way to their full legal widths, deeds of trust, restrictions and utility easements of record and 2021 ad valorem taxes.

The real property conveyed herein does not include the primary residence of the party of the first part.

IN TESTIMONY WHEREOF, the party of the first part has hereunto has hereunto set their hands and seals, the day and year first above written.

JOSEPH HARLEY TAYLOR

LAURA SUZANNETAYLOR

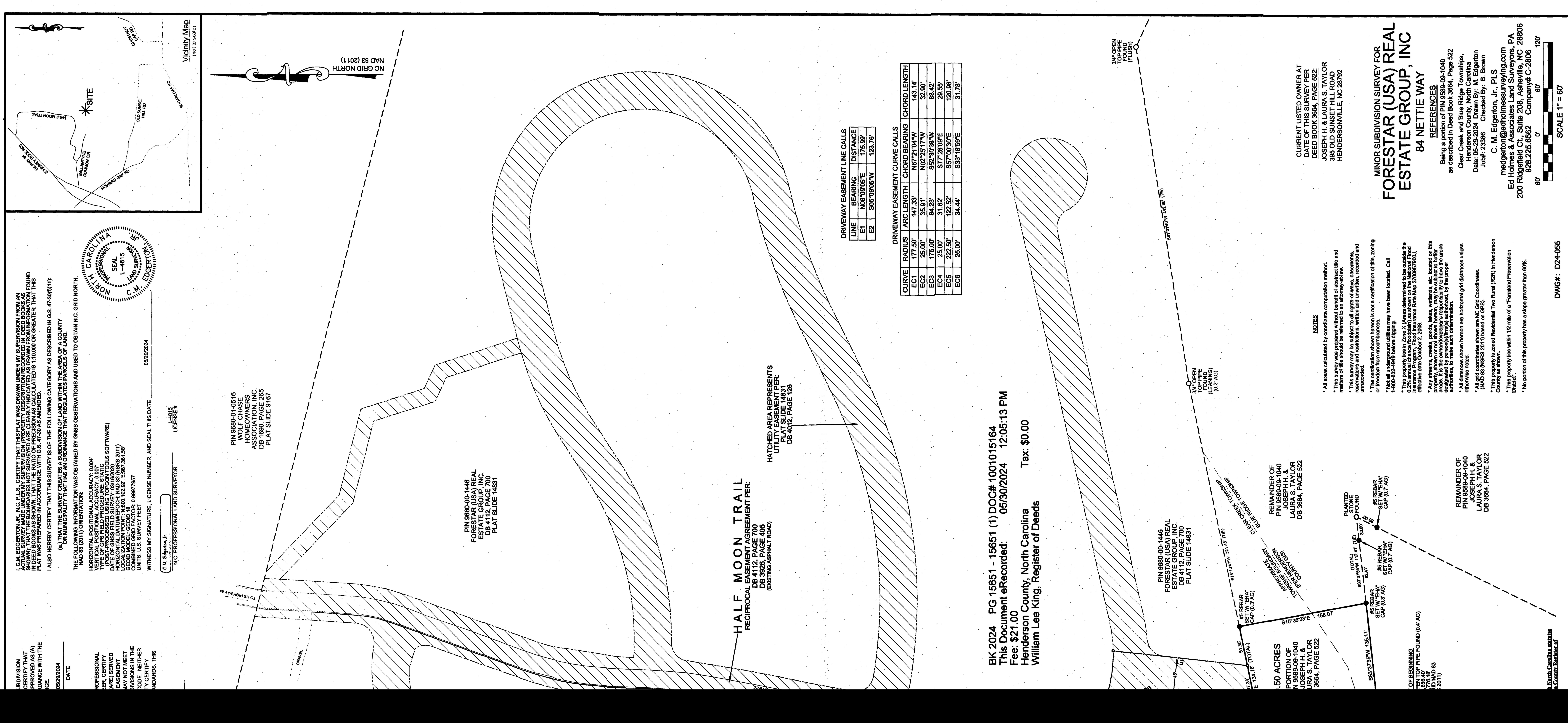
STATE OF NORTH CAROLINA COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that JOSEPH HARLEY TAYLOR and wife, LAURA SUZANNE TAYLOR, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this 3 day of March, 2021.

My commission expires: 9-17-3035

PLIC. WE COUNTY

# SON WAY





# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** Tyler Morrow **MEETING DATE:** January 9<sup>th</sup> 2025

AGENDA SECTION: New Business DEPARTMENT: Community

Development

**TITLE OF ITEM:** Administrative Review: Preliminary Site Plan– Chabb Wood Acres Lane (A24-

80-SPR)– *Tyler Morrow* – *Current Planning Manager* 

### **SUGGESTED MOTION(S):**

### For Approval:

I move that the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-14 Planned Residential Development and 7-3-3 Review of Preliminary Site Plans) for the Chabb Wood Acres project.

[DISCUSS & VOTE]

### For Denial:

I move that the Planning Board deny the application for preliminary site plan approval for the Chabb Wood Acres project because the applicant has failed to demonstrate compliance with the following provisions of the Zoning Ordinance

• Please list noncompliant sections

[DISCUSS & VOTE]

### SUMMARY:

The City of Hendersonville is in receipt of an application for preliminary site plan review from Scott Street (applicant) and Larry Eugene Miller (property owner). The applicant is proposing to construct 29 detached single-family units on the subject property at 89 Chabb Wood Acres Lane (PIN 9579-67-4170).

The proposed site plan shows that the proposed lots sizes of the development will vary between 0.11 acres to 0.28 acres

The proposed density of the development is approximately 3.09 units per acre. An R-15 Minor Planned Residential Development allows a max density of 3.75 units an acre or 35 units

PROJECT/PETITIONER NUMBER:	(A24-80-SPR)
	- Scott Street [Applicant]
PETITIONER NAME:	- 11 -

	- Larry Eugene Miller [Owner]
ATTACHMENTS:	<ol> <li>Staff Report</li> <li>Preliminary Site Plan Packet</li> <li>Application / Owner Signature Addendum</li> </ol>

# PRELIMINARY SITE PLAN-CHABB WOOD ACRES LANE (A24-80-SPR) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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### PROJECT SUMMARY

- Project Name & Case #:
  - Windsor Built Chabb Wood Acres Lane
  - o A24-80-SPR
- Applicant & Property Owner:
  - Scott Street [Applicant]
  - Larry Eugene Miller [Owners]
- Property Address:
  - o 89 Chabb Wood Acres Lane
- Project Acreage:
  - o 9.39 Acres
- Parcel Identification (PIN):
  - 0 9579-67-4170
- Parcel Zoning:
  - o R-15, Medium Density Residential
- Future Land Use Designation:
  - Multi-Generational Living
- Requested Uses:
  - Planned Residential Development (minor)
- Type of Review:
  - Administrative- Decisions made in the implementation, administration, or enforcement of the Zoning and Subdivision Ordinances that involve the determination of facts and the application of objective standards set forth in the Zoning and Subdivision Ordinances.



### SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for preliminary site plan review from Scott Street (applicant) and Larry Eugene Miller (property owner). The applicant is proposing to construct 29 detached single-family homes on the subject property located at 89 Chabb Wood Acres Lane (PIN 9579-67-4170).

The proposed site plan show that the proposed lots sizes of the development will vary between 0.11 acres to 0.28 acres.

The proposed density of the development is approximately 3.09 units per acre. An R-15 Minor Planned Residential Development allows a max density of 3.75 units an acre or 35 units. More information concerning the requirements and process for Minor Planned Residential Developments can be found below.

Since this development is proposing detached single-family units, the land must be subdivided in order to be built upon and sold. Due to this, this project must also go through the City's subdivision process. Due to this project including 8 or more lots and the dedication of a new street the project meets the criteria of a major subdivision and therefore will be reviewed according to the standards of section 2.04 H of the subdivision ordinance. The project will be required to come back to the Planning Board in order to receive Preliminary Plat Approval.

### PRELIMINARY SITE PLAN AND MINOR PRD REVIEW GUIDELINES

### Review of Preliminary Site Plans

Review of preliminary site plans applies to larger projects where the costs of developing detailed final plans can be substantial. It is designed to provide the applicant an opportunity to obtain authorization for a site specific development while incurring reduced expense. Review of preliminary plans is a function of the Planning Board.

Preliminary plan review is required of all development undergoing Site Plan Review for the following:

- Any commercial, industrial or institutional development consisting of more than 20,000 square feet of floor area.
- Addition of more than 30 parking spaces.
- Any Minor Planned Residential Development consisting of 9 or more dwelling units.

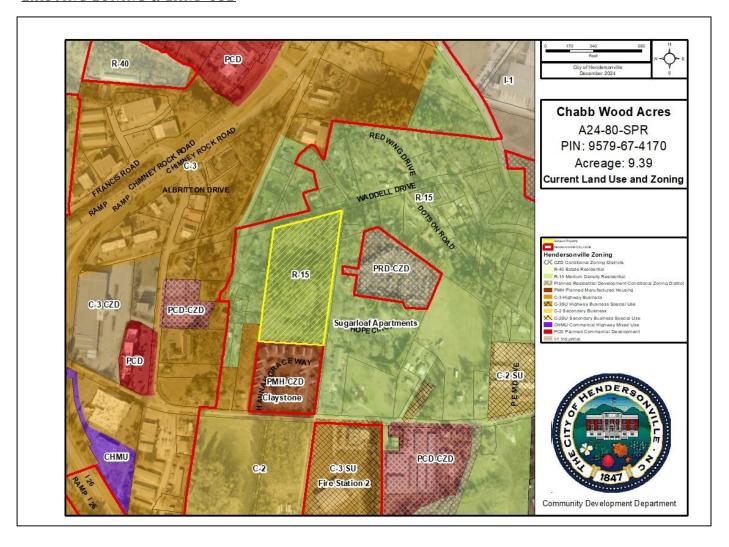
Approval of a preliminary site plan shall **not** entitle the applicant to the issuance of a zoning compliance permit. Upon approval of the preliminary site plan by the Planning Board the applicant must then submit an application and final site plans meeting the requirements of of the zoning ordinance, in addition to any other approval including but not limited to stormwater approval, utility approval, driveway permits, land disturbance approval, etc. The applicant shall have two years from the date of such approval to obtain final site plan approval.

### 5-14-7. Minor Planned Residential Developments

The maximum number of dwelling units which may be constructed in a Minor Planned Residential Development shall be 50 or a number computed on the basis of the following table, whichever is less:

Use District	Dwelling Units Per Acre
R-40	1.0
R-20	2.5
R-15	3.75
R-10	5.5
R-6	8.5
MIC	5.5
RCT	5.5
C-2	8.5
C-3	8.5
М	8.5

Minor Planned Residential Developments (Minor PRD) shall be governed by the development standards for Planned Residential Developments (PRD). Unlike Major PRDS, there is no minimum site requirement for a Minor Planned Residential Development, nor is there a requirement that access be by means of a designated thoroughfare. Unlike Major PRDs which undergo a rezoning to a Conditional Zoning District, Minor PRDs undergo site plan review only and do <u>not</u> require a rezoning. In cases, where the Minor Planned Residential Development contains 9 or more units, the development must go through preliminary site plan review by the Planning Board. If approved, the subject property would retain its R-15 zoning.



City of Hendersonville Current Zoning & Land Use Map

The subject property is zoned R-15 medium density residential and is a part of the single-family neighborhoods within the immediate area. The property fronts on Waddell Drive which is maintained by NCDOT. The property has a privately maintained drive within its boundaries which is named Chabb Wood Acres Lane.

To the south along Sugarloaf Road, you will find a mix of commercial districts and uses. Fire Station 2 is approximately 600 feet from the subject property as the crow flies. Sugarloaf Road also serves as one of the City's main hotel corridors and has several large mini warehouse operations within a close proximity.

The City's only conforming manufactured home development (Claywood) is directly to the south of the subject property. The site is also adjacent to two Housing Assistance Corporation Developments to the east. These developments include Sugarloaf Apartments and Sugar Hill Apartments.

### SITE IMAGES



View of the existing residence on the site.



Typical view within the subject property.

### SITE IMAGES



View of Waddell Drive frontage.



A large number of mature trees have fallen on the site, presumably during Hurricane Helene.

### SITE IMAGES



View of the Sugar Hill Apartments on the adjacent property.



View of adjacent manufactured home park to the south (Claystone)

### Units

- o 29 Detached Single-Family Homes
- o Proposed Maximum Height-35'

### Proposed Use:

 R-15, Medium Density Residential Minor Planned Residential Development (R-15, Minor PRD)

### Acres/Density

- o 9.39 Acres
- Proposed density-3.09 units per acre or 29 units.
- Allowed density- 3.75 units an acre or 35 units.

### Natural Resource

- The property has a natural slope of less than 15.1% which does not trigger any additional steep slop requirements.
- o The site does not have any streams that run through it.
- The site does not have any associated floodplains.

### Streets

 All internal streets to the site will be built to public street standards and dedicated to the City for maintenance.

### Parking

PRD requires -I parking space per unit for I-2-bedroom units and I.5
parking spaces for 3+ bedroom units. The proposed development will be
providing 2 parking spaces for all units.

### Sidewalks

- The development shows sidewalks along all internal streets and provides sidewalks on the Waddell Drive property frontage.
- Sidewalks are provided to and around the mail kiosk.

### Public Utilities

- o The site will be served by City of Hendersonville Water and Sewer.
- o Provision of City Utilities requires that the property be annexed.

### Tree Canopy and Landscaping

- The site currently has approximately 382,142 square feet of tree canopy.
- The development is proposing to save 76,823 square feet of that canopy (20.1%)
- The development will be required to offset the removal of existing vegetation by providing 15% of new canopy coverage through tier II plantings. The development is proposing 26% of new canopy coverage in addition to the 20% that is proposed to be preserved.
- The development is also providing the following landscaping:
  - Common Open Space

### OUTSTANDING PRELIMINARY SITE PLAN COMMENTS

### **COMMUNITY DEVELOPMENT**

### Site Plan Comments:

The preliminary site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14), Preliminary Site Plan (7-3-3).

### CITY ENGINEER

### **Preliminary Site Plan Comments:**

### **WATER / SEWER**

### **Preliminary Site Plan Comments:**

o None

### **FIRE MARSHAL**

### **Preliminary Site Plan Comments:**

None

### STORMWATER ADMINISTRATOR

### Preliminary Site Plan Comments:

o None

### FLOODPLAIN ADMINISTRATOR

### **Preliminary Site Plan Comments:**

None

### **PUBLIC WORKS**

### **Preliminary Site Plan Comments:**

o None

### NCDOT

### **Preliminary Site Plan Comments:**

o None

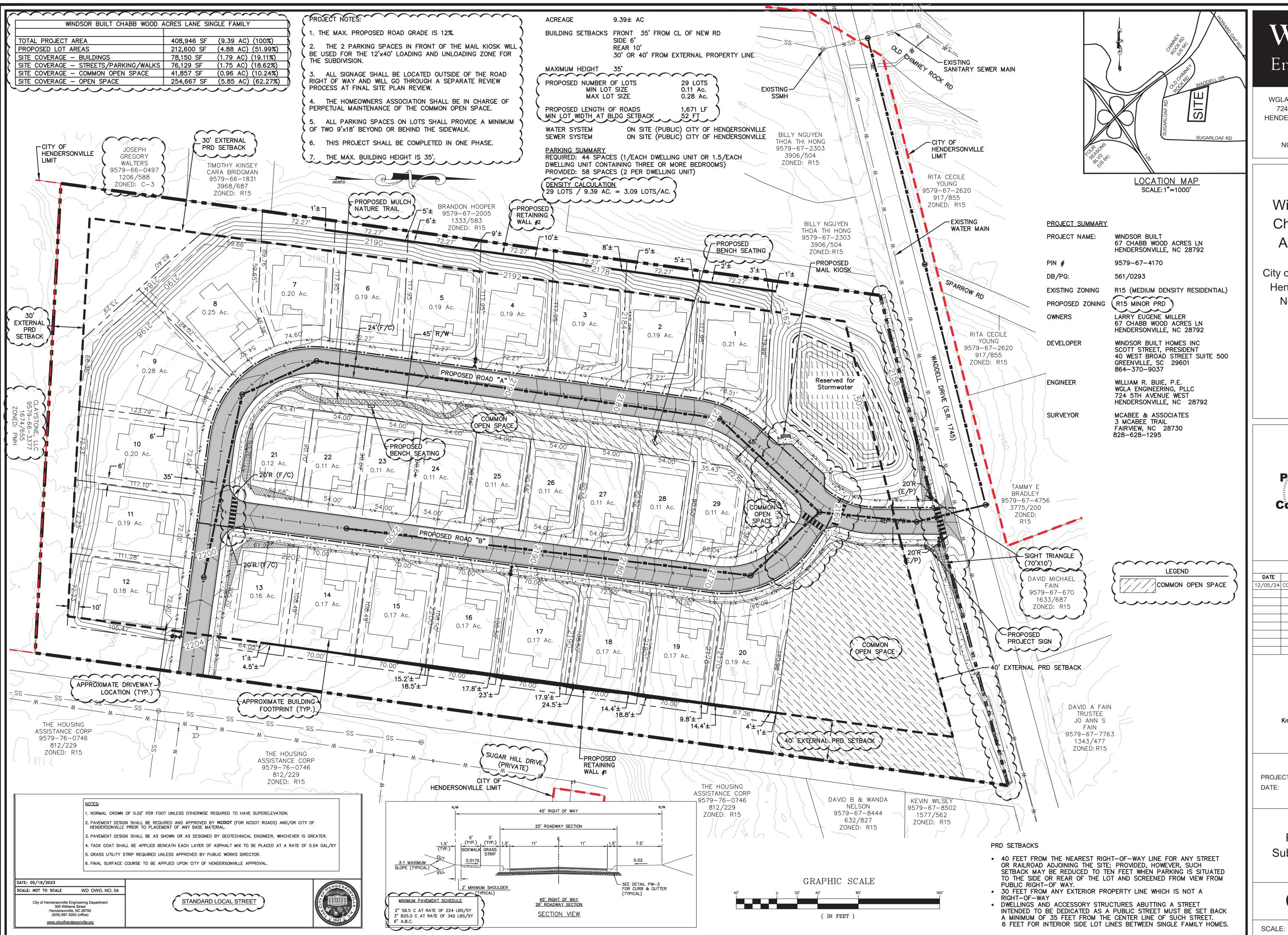
### TRANSPORTATION CONSULTANT

### Preliminary Site Plan Comments:

None (the proposed use and unit count did not trigger a TIA)

## STAFF ANALYSIS Zoning Compliance:

Based on the review by staff, the submitted preliminary site plan for the Chabb Wood Acres Project meets the Zoning Ordinance standards established for Minor Planned Residential Developments (Section 5-14) and Preliminary Site Plan Review (Section 7-3-3.2).



Section 5, Item B.

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

Windsor Built Chabb Wood Acres Lane

City of Hendersonville **Henderson County** North Carolina

> Preliminary Not For Construction

> > REVISIONS

DATE DESCRIPTION 2/05/24 COH COMMENTS

> Know what's below. Call before you dig.

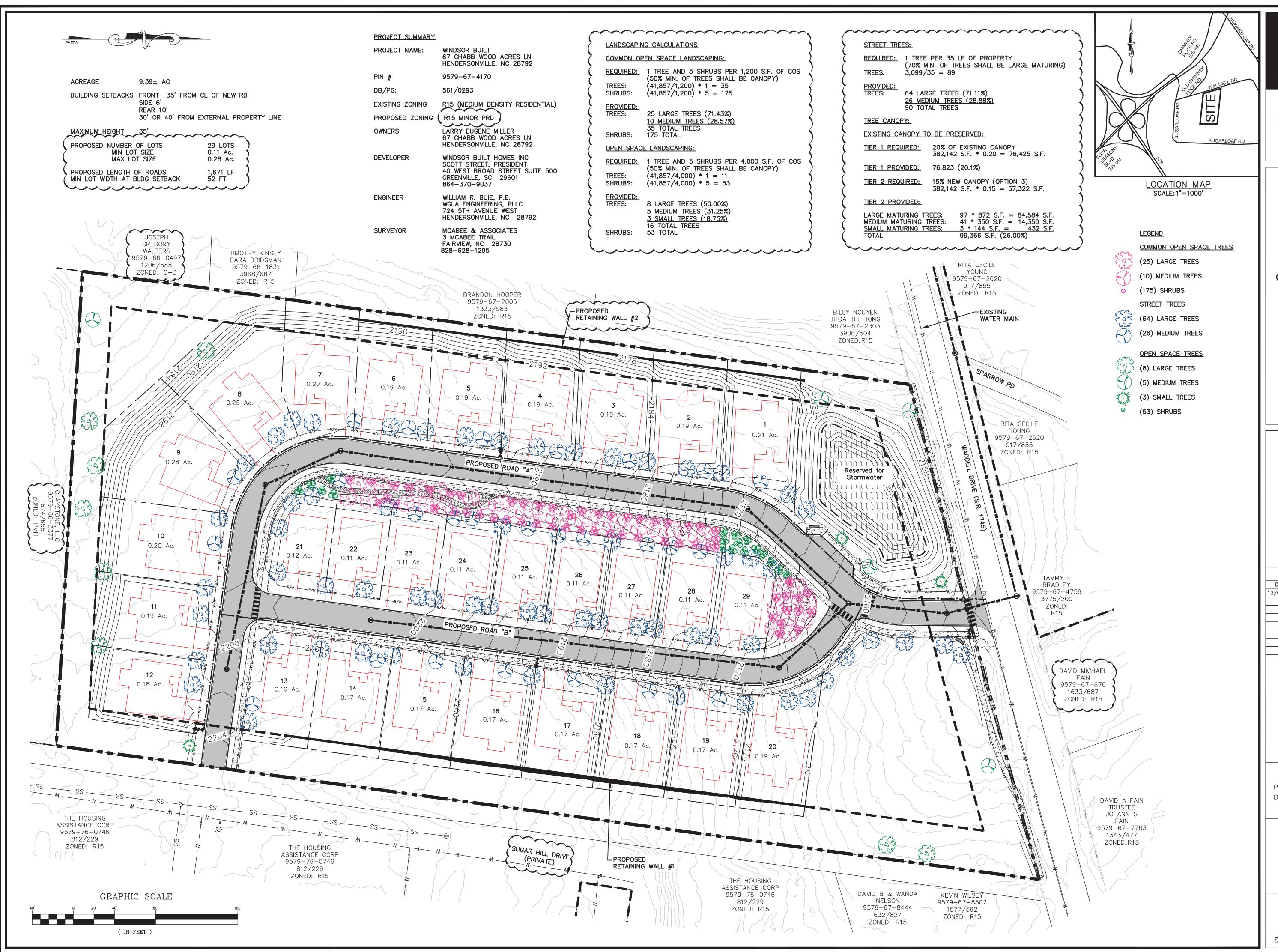
PROJECT NUMBER:

Preliminary Subdivision Plan

24127

9/24

C-200



Section 5, Item B.

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

Windsor Built Chabb Wood Acres Lane

City of Hendersonville Henderson County North Carolina

Preliminary
Notes or E

DATE DESCRIPTION
12/05/24 COH COMMENTS

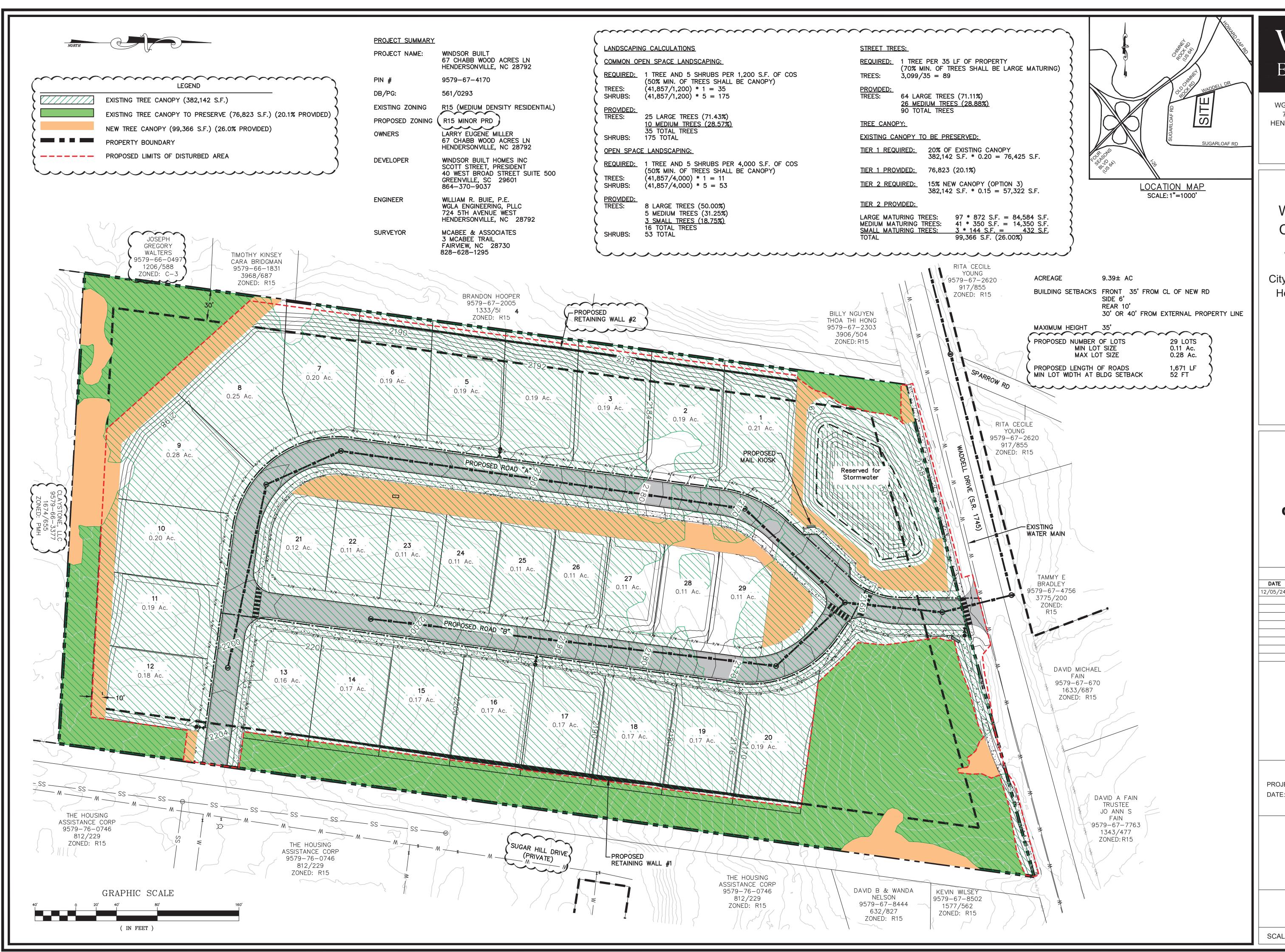


24127 9/24

PROJECT NUMBER: DATE:

Preliminary
Landscaping Plan

C-201



Section 5, Item B.

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

Windsor Built **Chabb Wood** Acres Lane

City of Hendersonville Henderson County North Carolina

> Preliminary Notes For Construction

REVISIONS DATE DESCRIPTION 12/05/24 COH COMMENTS



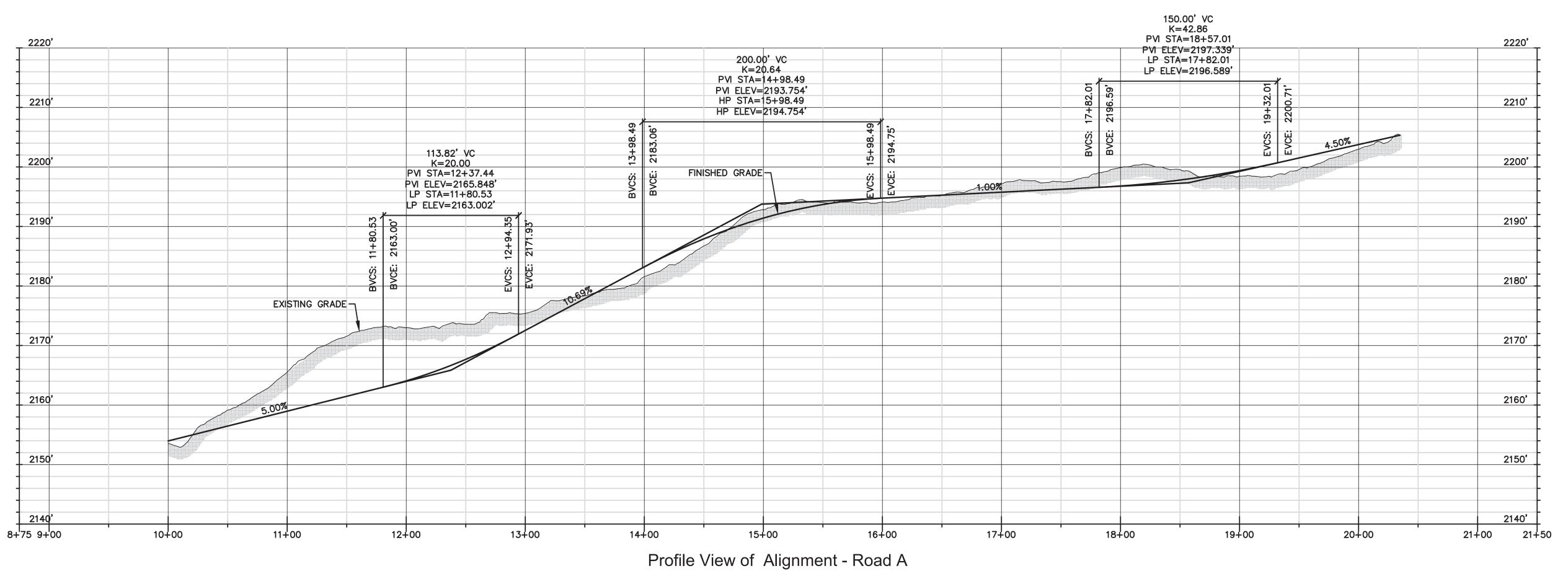
24127 9/24

PROJECT NUMBER:

Tree Canopy

Plan

C-202

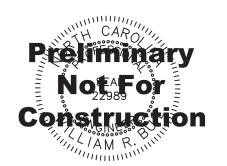


Horizontal Scale: 1"=50' Vertical Scale: 1"=10'

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

> Windsor Built Chabb Wood Acres Lane

City of Hendersonville Henderson County North Carolina



REVISIONS DATE DESCRIPTION 12/05/24 COH COMMENTS



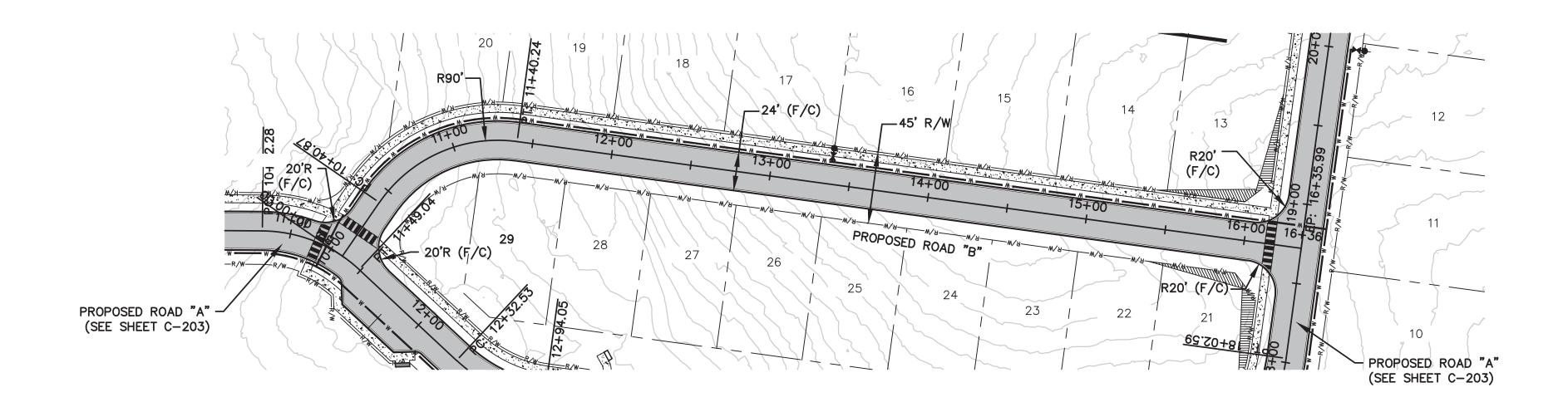
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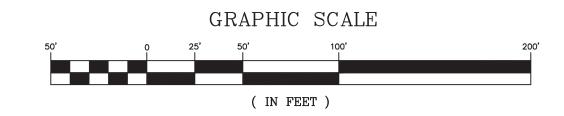
24127 9/24

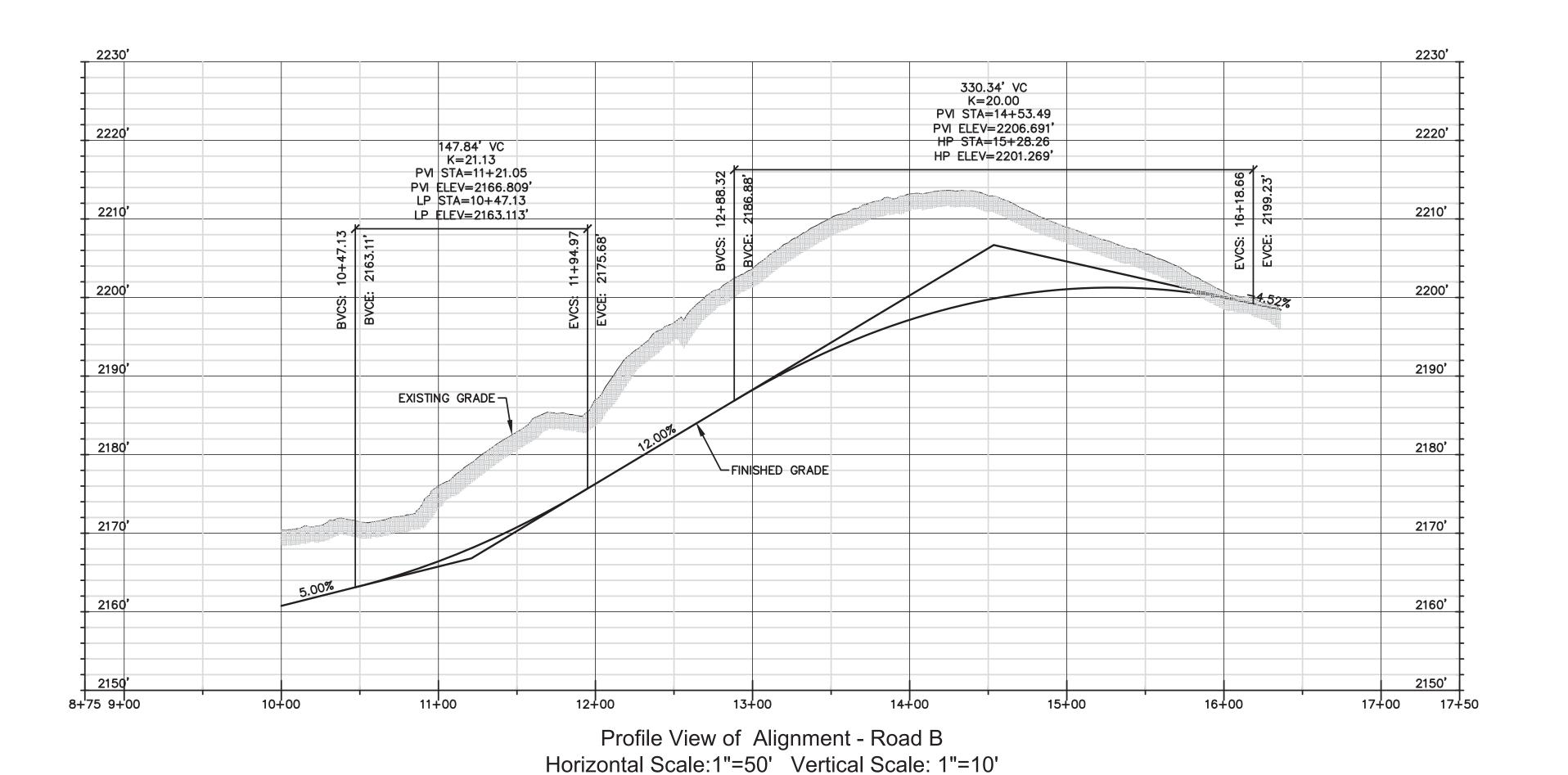
ROAD "A" PLAN & PROFILE

C-203









WGLA

Engineering

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

> Windsor Built Chabb Wood Acres Lane

City of Hendersonville
Henderson County
North Carolina



REVISIONS

DATE DESCRIPTION

12/05/24 COH COMMENTS



24127

9/24

PROJECT NUMBER:

DATE:

ROAD "B" PLAN & PROFILE

C-204

Section 5, Item B.

WGLA ENGINEERING, PLLC 724 5th AVENUE WEST HENDERSONVILLE, NC 28739 (828) 687-7177 WGLA.COM NC LICENSE P-1342

Windsor Built Chabb Wood Acres Lane

City of Hendersonville **Henderson County** North Carolina

> Preliminary Notes For Construction

REVISIONS DATE DESCRIPTION

Know what's below.

24127

9/24

PROJECT NUMBER:

**Preliminary Utliity Plan** 

C-500



# CITY OF HENDERSONVILLE COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King St. ~ Hendersonville, NC ~ 28792 Phone (828)697-3010 ~ Fax (828) 697-6185 https://www.hendersonvillenc.gov/



### **APPLICATION FOR SITE PLAN REVIEW**

**Section 7-3 City Zoning Ordinance** 

~ This form including the property of Appropriate fee.	owner(s) signature(s).	ection 7.3-3.2 of the City Zoning Ordinance.
Projects proposing any of the following Board meeting.  Any commercial, industrial or in area.  Addition of more than 30 parking Any minor planned residential design.	ng must submit a complete ap estitutional development cons ng spaces. development consisting of nin	oplication at least 32 days prior to any Planning sisting of 20,000 or more square feet of floor
The following are required for final s  This form including the property of the site plan containing	owner(s) signature(s)	the City Zoning Ordinance
Date 10/14/24	Type of Plan Review	Preliminary Final
Name of Project Chabb Wood		
Location/Address of Property 89 Ch	abb Wood Acres Lane	
List 10 digit PIN or 7 digit PID number fo	or each property 9579-67	-4170
Contact Information   Scott Street -	Windsor Built Homes	
Address 40 West Broad Street, S	Suite 500 Greenville, SC	29601
Phone 864-430-2995	Fax	Email sstreet@windsorbuilt.com
CHECK TYPE OF DEVELOPMENT	Residential	Commercial Other
Current Zoning R-15		Total Acreage 9.39
Proposed Building Sq.ft.		# of Dwelling Units 29
Official Use:	BY	FEE RECEIVEDS

Applicant(s): (Developer)	
Printed Name Scott Street - Windsor Built Homes, Inc.	
■ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
Title President Email sstreet@windsorbuilt.com	
Address of Applicant 40 West Broad Street, Suite 500 Greenville, SC 29601	
Printed Name	
□ Corporation □ Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
TitleEmail	
Address of Applicant	
Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
TitleEmail	
Address of Applicant	
Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
Title Email	
Address of Applicant	
Printed Name	
□ Corporation □Limited Liability Company □ Trust □ Partnership □ Other:	
Signature	
TitleEmail	
Address of Applicant	

Property Owners(s):			
* ^ Printed Name Larry Eugene Mills			
Corporation   Limited Liability Company   Trust   Signature Savry Cugue Smi		• Owner	-
Owner			
Title Owner	_Email	no Handananilla NO 20702	
Address of Property Owner 67 Chabb Woo	od Acres La	ne Hendersonville, NC 28792	
* ^ Printed Name			
□ Corporation □ Limited Liability Company □ Trust			-11
Signature			
Title	Email		
Address of Property Owner			
* ^ Printed Name			_
□ Corporation □Limited Liability Company □ Trust	☐ Partnership	□ Other:	<b>-</b> 37
Signature			
Title	Email		
Address of Property Owner			
* ^ Printed Name			
□ Corporation □Limited Liability Company □ Trust	☐ Partnership	☐ Other:	-
Signature			
Title	_Email		
Address of Property Owner			

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

<sup>^</sup> 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:** City of Hendersonville **MEETING DATE:** January 9<sup>th</sup>, 2025

AGENDA SECTION: New Business DEPARTMENT: Community

Development

**TITLE OF ITEM:** Zoning Text Amendment: Nonconforming Structures (P24-099-ZTA) – Sam

Hayes, Planner II

### **SUGGESTED MOTION(S):**

### For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures, the official City of Hendersonville Code of Ordinances, Section 34-4. Parking and Storage of Recreational vehicles, and the City of Hendersonville Official Zoning Ordinance, Section 8-3. Temporary use permits for manufactured/mobile homes and Section 12-2. Definition of commonly used terms and words, based on the following:

1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

- 2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - 1. Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.
  - 2. The use of recreational vehicles will be temporarily permitted in all zoning districts to

### For Recommending Denial:

I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures, the official City of Hendersonville Code of Ordinances, Section 34-4. Parking and Storage of Recreational vehicles, and the City of Hendersonville Official Zoning Ordinance, Section 8-3. Temporary use permits for manufactured/mobile homes and Section 12-2. Definition of commonly used terms and words, based on the following: based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

- 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:
  - Nonconforming structures are intended to be phased out of the City over time; therefore, this ordinance could potentially extend the duration for which these structures remain in the City.
  - 2. Recreational vehicles will cause an undue burden on the neighbors and is not compatible with City zoning districts.

provide adequate housing for individuals following disasters.  3. The proposed text amendment will allow for the rebuilding of nonconforming structures only after a natural disaster or other act of God, thereby aiding in quick recovery for city residents.	[DISCUSS & VOTE]
[DISCUSS & VOTE]	

### SUMMARY:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on permitting the temporary use of recreational vehicles (RVs) for shelter and allowing nonconforming residential structures to be rebuilt, regardless of the extent of the damage.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

PROJECT/PETITIONER NUMBER:	P24-099-STA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<ol> <li>Staff Report</li> <li>Draft Ordinance</li> </ol>

# ZONING TEXT AMENDMENT: RV TEMPORARY USE PERMIT AND NONCONFORMING STRUCTURES CHANGES (P24-099-ZTA)

### CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY	2
AMENDMENT ANALYSIS – AMENDMENT OVERVIEW	
SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS	
PUBLIC INPUT / RECOMMENDATION	
AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)	
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS	
STATEMENT	-



- Project Name & Case #:
  - RV Temporary Use Permit and Nonconforming Structures Changes
  - o P24-099-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - Sec. 6-2-2 Nonconforming structures.
  - Section 34-4. Parking and Storage of Recreational Vehicles
  - Section 8-3. Temporary use permits for manufactured/mobile homes.
  - Section 12-2. Definitions of commonly used terms and words.
- Planning Board Legislative Committee Meeting
  - December 17<sup>th</sup>, 2024



### Summary of Amendment Petition:

City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on permitting the temporary use of recreational vehicles (RVs) for shelter and allowing nonconforming residential structures to be rebuilt, regardless of the extent of the damage.

Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City.

The aftermath of Hurricane Helene highlighted the need for the City of Hendersonville to promote resilience in post-disaster recovery. Access to safe housing in the immediate aftermath of a storm is critical. City staff identified two key strategies to help individuals and families secure safe, healthy shelter as quickly as possible: I) allowing temporary use of recreational vehicles (RVs), and 2) permitting repairs to nonconforming residential structures throughout the City and its extraterritorial jurisdiction (ETJ).

To facilitate these solutions, staff has proposed several revisions to the zoning ordinance.

First, staff proposes establishing a temporary use permit for RVs, allowing them to be used as temporary shelter during construction (when an active building permit is in place) or during a declared state of emergency. If there is a declared state of emergency, the permit issued would be valid for 180 days with the possibility of an extension, but does not require an active building permit.

Additionally, staff has proposed a revision to the City's nonconforming structures ordinance to distinguish between residential and commercial nonconforming structures when they are destroyed by a natural disaster or Act of God. The goal is to expedite the recovery process for individuals affected by such events, enabling them to regain safe shelter as quickly as possible.

Under the proposed revision, nonconforming residential structures could be reconstructed regardless of the extent of the damage. Previously, if the renovation costs exceeded 50% of the structure's value, the building would need to comply with current zoning requirements. It is important to note that this ordinance will not affect the floodplain administrator's authority to require homes in the 100-year floodplain to comply with the City's Flood Damage Protection Ordinance.

The following language is recommended for addition / deletion.

### Sec. 34-4. Parking and storage of recreation vehicles.

- (a) Parking of the recreation vehicles shall be prohibited, except in driveways, within the required front yard area, and subject to the requirements of this chapter. The side yard areas may be used for parking of such vehicles in accordance with the provisions of this chapter.
- (b) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.
- (c) One unoccupied recreation vehicle may be parked or otherwise located in any accessory private garage building, or in a rear or side yard of an occupied dwelling; provided, however, that no living or sleeping quarters shall be maintained, or any business located in, or carried on, or otherwise fostered in the trailer recreational vehicle while it is so parked, located or stored.
- (d) A recreation vehicle with self-contained facilities may be temporarily parked or located, occupied or unoccupied, within the boundaries of districts zoned and designated under the zoning ordinance of the city as residential areas, neighborhood trading areas, or industrial districts, or MIC for a period not exceeding 72 hours; provided, however, that a permit is obtained from and issued by the code enforcement officer prior to the parking or location of the recreation vehicle; provided, further, that if the code enforcement officer shall fail to issue such permit after prompt and appropriate application therefor, the applicant shall have the right to appeal the decision of the code enforcement officer to the entire city council zoning board of adjustment.
- (e) Recreation vehicles may be used and maintained as a temporary shelter or office for the sale of agricultural products such as crops, fruits, vegetables, ornamental and flowering plants or trees and all other forms of agricultural products, provided that there are no living or sleeping quarters maintained in such recreation vehicle during such temporary use. A temporary use permit shall be obtained from the code enforcement officer for such use for a specified period of time not exceeding 90 days. One such permit may be issued within a 12-month period.
- (f) The use and occupancy limitations contained in this Section 34-4 shall not apply to the use or occupancy of a recreational vehicle where such use or occupancy is permitted by the City of Hendersonville Zoning Ordinance.

(Code 1971, § 17-4)

### Sec. 8-3. Temporary use permits for manufactured/mobile homes and recreational vehicles

### a) Manufactured/Mobile homes

No more than one manufactured/mobile home may be permitted in the rear yard of a residential dwelling on a platted lot as an accessory structure, provided, the manufactured/mobile home shall meet the principal structure setback requirements for the district in which it is located. Such use shall be temporary and shall be based on a finding by board of adjustment that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permit shall be issued in such cases for one year, and may be renewed by the zoning administrator so long as the approved hardship continues to exist.

All such manufactured/mobile homes situated in rear yards must have access to city water and sewer service or individual systems approved in writing by the county health officer and such manufactured/mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such manufactured/mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the board of adjustment.

### b) Recreational Vehicle

- (1) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.
- (2) <u>During a mayoral declared state of emergency for the City of Hendersonville, the zoning administrator may issue a temporary use permit for a particular tract of land to allow the placement of a recreational vehicle in any zoning district for up to 180 days. Extensions for hardship may be granted by the zoning board of adjustment. The recreational vehicle must be maintained</u>

in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

### 6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

- a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.
- b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.
- d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:
  - 1) The change in use or renovation does not increase the floor area of the structure.
  - 2) The change in use is to a permitted use within the district.
  - 3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.
- e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.
- f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.
- g) Where a nonconforming <u>residential</u> structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.
- h) Where a nonconforming commercial structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

### 12-2. Definition of commonly used terms and words

**Recreational vehicle:** a motor vehicle or trailer that includes living quarters designed for accommodation, including but not limited to motorhomes, campervans, fifth-wheel trailers, and popup campers. Such vehicles must be:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck;
- d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and
- e) Fully licensed and ready for highway use.

### Legislative Committee of the Planning Board - December 17<sup>th</sup>, 2024

Planning Board Members Present: Donna Waters, Peter Hanley, Bob Johnson, and Jim Robertson

The Legislative Committee reviewed the zoning text amendment, expressing support for the portions of the ordinance related to recreational vehicles. However, there were concerns regarding the version of the ordinance addressing nonconforming structures. The original proposal aimed to eliminate the 50% threshold based on the current assessed value for all structures (both residential and commercial). This approach was not well-received by most committee members, who expressed concerns that it could undermine the purpose of nonconforming structures — to phase out those that do not comply with updated zoning requirements.

The committee also discussed in detail that the ordinance revision was partly intended to provide support for manufactured and mobile homes damaged by Hurricane Helene. However, most committee members were adamant that they did not want to allow manufactured or mobile homes to remain in nonconforming conditions.

GENERAL ZONING TEXT AMENDMENT STANDARDS	
1) COMPATIBILITY	EXISTING CONDITIONS The revision of the zoning text amendment will make it easier for homeowners to rebuild their homes regardless of whether they are no longer deemed to conform with the current zoning standards. The revisions allowing for temporary RV use will have minimal impact on existing conditions.  GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: Consistent Healthy and Accessible Natural Environment: N/A Authentic Community Character: Consistent Safe Streets and Trails: N/A Reliable & Accessible Utility Services: Consistent Satisfying Work Opportunities: N/A Welcoming & Inclusive Community: N/A Accessible & Available Community Uses and Services: N/A Resilient Community: Consistent  GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) Mix of Uses: N/A Compact Development: N/A Sense of Place: N/A Conserved & Integrated Open Spaces: N/A Desirable & Affordable Housing: N/A Connectivity: N/A Efficient & Accessible Infrastructure: Consistent
2) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -  The City staff believe that it is important to ensure that people can regain access to housing as quickly as possible after a storm. In light of Hurricane Helene which has shown that the City of Hendersonville is not immune from damage and destruction from natural hazards, it is important to update our ordinance to ensure that people can recover as quickly as possible.
3) 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 -  Staff has attempted to craft this ordinance so that there will be minimal impact to neighbors. Staff has also placed heavy value on keeping residents in their existing homes and existing communities. These ordinance revisions attempt to help allow people to remain in their neighborhoods.
4) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment

	This amendment will have minimal to no impact on public facilities.
5) Effect on Natural	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 -
Environment	There is minimal impacts on the natural environment.

### DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

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

The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

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

### DRAFT [Rationale for Approval]

- Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.
- The use of recreational vehicles will be temporarily permitted in all zoning districts to provide adequate housing for individuals following disasters.
- The proposed text amendment will allow for the rebuilding of nonconforming structures only after a natural disaster or other act of God, thereby aiding in quick recovery for city residents.

### DRAFT [Rational for Denial]

- Nonconforming structures are intended to be phased out of the City over time; therefore, this ordinance could potentially extend the duration for which these structures remain in the City.
- Recreational vehicles will cause an undue burden on the neighbors and is not compatible with City zoning districts.

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	
SUPPLY, SUITABILITY, & INTENSITY			
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	NA		
, , , , , , , , , , , , , , , , , , , ,	NA		
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	NA		
FUTURE LAND USE & CONSERVATION MAP			
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)		NA	
Character Area Description (Pg. 122-131)	NA		
3 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	NA		
Focus Area Map (Pg. 134-159)	NA	NA	

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

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

Section 5, Item C.

Inconsistent
NA
NA
IVA
NA

Section 5, Item C.

N/A N/A NA



# CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

**SUBMITTER:** City of Hendersonville **MEETING DATE:** January 9<sup>th</sup>, 2025

AGENDA SECTION: New Business DEPARTMENT: Community

Development

**TITLE OF ITEM:** Zoning Text Amendment: Board of Adjustment Member and Quorum Changes

(P24-088-ZTA) -Sam Hayes, Planner II

### **SUGGESTED MOTION(S):**

#### For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:

1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

> The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.

- 2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - 1. Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner.

[DISCUSS & VOTE]

### **For Recommending Denial:**

I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:

1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.

- 2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:
  - 1. Decreasing the number of board members will adversely impact the Board of Adjustment and the City operations.

[DISCUSS & VOTE]

### SUMMARY:

City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five while increasing the number of alternates to four. This would bring the total number of appointees to nine, while also lowering the number of members required to establish a quorum. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

PROJECT/PETITIONER NUMBER:	P24-088-STA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<ol> <li>Staff Report</li> <li>Draft Ordinance</li> </ol>

# ZONING TEXT AMENDMENT: BOARD OF ADJUSTMENT MEMBER AND QUORUM CHANGES (P24-088-ZTA)

# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY	
AMENDMENT ANALYSIS – AMENDMENT OVERVIEW	
SUBDIVISION TEXT AMENDMENT – DOUBLE FRONTAGE LOTS	
PUBLIC INPUT / RECOMMENDATION	
AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)	13
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS	
STATEMENT	1.3



- Project Name & Case #:
  - Board of Adjustment Member and Quorum Changes
  - o P24-088-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - Sec. 10-1. Establishment of board of adjustment and qualifications of members.
  - Sec. 10-6. Quorum and voting.
  - o Sec. 10-8-2. Preliminary site plan.
  - Section 10-8-3. Evidentiary hearings on applications for special use permits.
- Planning Board Legislative Committee Meeting
  - o December 17<sup>th</sup>, 2024



# Summary of Amendment Petition:

City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five while increasing the number of alternates to four. This would bring the total number of appointees to nine, while also lowering the number of members required to establish a quorum. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

#### AMENDMENT ANALYSIS - AMENDMENT OVERVIEW

The board of adjustment is responsible for the following according to 160D-302:

- Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of the Zoning Ordinance or the Subdivision Ordinance.
- Hear and decide requests for variances from the requirements of the Zoning Ordinance.
- Review applications for conditional use permits and to issue conditional use permits in accordance with the provisions of the Zoning Ordinance.
- Make interpretations of the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of the Zoning Ordinance.
- Enter, at reasonable times, upon private lands and make examinations or surveys as necessary for the performance of its official duties.
- Request City Council to hold public hearings on matters within the purview of the Board.
- Hear and decide any other matter as required by the provisions of the Zoning Ordinance and the Code of the City of Hendersonville.
- Adopt rules consistent with the Zoning Ordinance or General Statutes governing the organization of the Board and proceedings before the Board.

Given the Board of Adjustment's important responsibilities, staff has proposed a text amendment aimed at addressing attendance challenges and ensuring that applicants can have their applications heard in a timely manner.

Over the past three years, attendance at Board of Adjustment meetings has steadily declined. In 2022, an average of 8 members attended each meeting. In 2023, that number dropped to 7, and in 2024, it further decreased to 6 members per meeting.

This decline is particularly problematic when the board needs to hear variance applications. Currently, our ordinance requires 7 members to be present and able to vote. We recently had to cancel meetings for two consecutive months because we lacked the necessary quorum to hear a variance request.

To address this issue, city staff has proposed practical solutions, including reducing the total number of board members to 5 and changing the threshold for approving variance requests to 4/5ths of the board. This means that if all 5 members are present, at least 4 out of 5 members would need to vote in favor of the variance for it to be approved.

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#### ZONING TEXT AMENDMENT - NONCONFORMING STRUCTURES

The following language is recommended for addition / deletion.

ARTICLE X. BOARD OF ADJUSTMENT

#### Sec. 10-1. Establishment of board of adjustment and qualifications of members.

A board of adjustment is hereby established. Said board of adjustment shall consist of <u>five members</u> <u>tenmembers</u>; <u>three seven</u> members of the board of adjustment shall be citizens of the City of Hendersonville and shall be appointed by city council and <u>three two</u> members who reside in the city's area of extraterritorial jurisdiction shall be appointed by the Board of Commissioners of Henderson County.

Terms shall be three years; however, city council and the Henderson County Board of Commissioners may appoint members for a lesser term in order to achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board of adjustment. Notwithstanding the foregoing, the city council may remove any member of the board of adjustment for the exhibition of a pattern of conduct that materially impairs or seriously threatens the ability of the board of adjustment to carry out its designation functions.

The <u>two</u> <u>three</u> members appointed to the board of adjustment by the board of county commissioners as representatives of the City of Hendersonville's Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the regulation of the zoning ordinance in the city and its extraterritorial jurisdiction.

City council or the county board of commissioners, as appropriate, may appoint alternate members to serve on the board of adjustment in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

#### Sec. 10-2. Conflicts of interests.

The board of adjustment shall consider conflicts of interest as follows:

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D-109(b) where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

A member of any board exercising quasi-judicial functions pursuant to G.S. 160D-109(d) shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection per G.S. 160-109(e) [Resolution of Objection].

#### Sec. 10-3. Powers of the board of adjustment.

The board of adjustment shall have the following powers:

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- To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of the zoning ordinance or the subdivision ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. As used in this section, the term "decision" includes any final or binding order, requirement or determination.
- b) To hear and decide requests for variances from the dimensional requirements of the zoning ordinance, in accordance with section 10-9, below;
- c) To review applications for special use permits and to issue special use permits in accordance with the provisions of section 10-8, below;
- d) To make interpretations of the official zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of the zoning ordinance;
- e) To enter, at reasonable times, upon private lands and make examinations or surveys as necessary for the performance of its official duties;
- To request city council to hold public hearings on matters within the purview of the board of adjustment;
- To hear and decide any other matter as required by the provisions of the zoning ordinance and the Code of the City of Hendersonville;
- h) To adopt rules not inconsistent with the zoning ordinance or G.S. governing the organization of the board of adjustment and proceedings before the board of adjustment.

#### Sec. 10-4. Officers.

The board of adjustment shall elect one member to serve as chair and preside over its meetings and shall create and fill such offices and committees as it may deem necessary. The term of the chair and other offices shall be one year with eligibility for re-election. The chair, or any member temporarily acting as chair, is authorized to administer oaths to any witnesses in any matter coming before the board of adjustment.

#### Sec. 10-5. Meetings.

The board of adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it may take action as expeditiously as reasonably possible. All meetings of the board of adjustment shall be open to the public.

Notice of date, time and place of the public hearing conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice shall be deposited in the mail not less than ten nor more than 25 days prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the public hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The board of adjustment shall keep a record of its meetings, including attendance of its members, the vote of each member on every question, a complete summary of the evidence submitted to it, documents submitted to it, and all official actions.

If any member of the board of adjustment misses more than three consecutive regular meetings or more than half of the regular meetings in a calendar year, their status as a member of the board of adjustment shall be replaced or reappointed by city council or the county board of commissioners, as appropriate. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board of adjustment, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

The chair of the board of adjustment or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board of adjustment. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a class 1 misdemeanor.

The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment.

If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

#### Sec. 10-6. Quorum and voting.

In accordance with G.S. 160D-406(i), the concurring vote of seven four-fifths of the board of adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board of adjustment for the calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

A member of any board of adjustment exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

#### Sec. 10-7. Appeals of administrative decisions.

The board of adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- a) Any person who has standing under G.S. 160D-1402(I)(2) or the city may appeal a decision of the board of adjustment. An appeal is taken by filing notice of appeal with the city clerk. The notice of appeal shall state the grounds of the appeal.
- b) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

- c) The owner or other party shall have 30 days from receipt of written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- d) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision provided the sign remains on the property for at least ten days. Posting of the signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Posting of the signs is not required.
- e) The official who made the decision shall transmit to the board of adjustment all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- f) An appeal of a notice of violation or other enforcement order stays all legal proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the board of adjustment, after the notice of appeal has been filed with the city clerk, that because of facts stated in an affidavit, a stay would, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In such case proceedings shall not be stayed except by a restraining order, which may be granted by a court.
- g) If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of the property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board of adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- h) Subject to the provisions of subdivision (f) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
- i) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any part of the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board of adjustment shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make an order, requirement, decision, or determination that ought to be made. The board of adjustment shall have all powers of the official who made the decision.
- j) When hearing an appeal pursuant to G.S. 160D-102, G.S. 160D-947, or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(I)(2).
- k) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution.

#### Sec. 10-8. Special use permits.

A special use permit from the board of adjustment is required for all special uses.

#### 10-8-1 Application.

When a special use permit is required by the terms of this ordinance, application for such permit, along with a fee established by resolution of city council, shall accompany the application for a building permit.

#### 10-8-2 Preliminary site plan.

The application for a special use permit shall be accompanied by seven copies of a preliminary site plan showing the following:

- a) The proposed title of the project and the name of the engineer, architect, designer, landscape architect, planner and/or licensed surveyor, developer and owner of record;
- b) The north arrow point, scale at not greater than one inch equals 40 feet, and such information as the names of adjacent roads, streams, railroads, subdivisions or other landmarks sufficient to clearly identify the location of the property;
- c) Location of site by an insert vicinity map at a scale no less than one inch equals 2,000 feet;
- d) Existing project zoning and zoning of adjacent property, to include properties abutting either side of a public right-of-way;
- e) City limits line;
- f) Names of adjacent property owners;
- g) Boundary survey of site and the location of all existing easements, buildings, rights-of-way or other encroachments;
- Existing topography and proposed finished contours at not more than five feet intervals, with project bench mark clearly identified. Location of the 100-year floodplain, if applicable. Other significant natural features affecting the site including but not limited to marshes, major rock outcrops and lakes or streams;
- i) All proposed streets with proposed names, pavement widths and rights-of-ways. All alleys, drive-ways, curb cuts for public streets and handicap ramps, loading areas, and provisions for off-street parking spaces and sidewalks; calculations indicating the number of parking spaces required and the number provided. All streets shall be clearly identified as public or private; a typical cross-section of the public or private street shall be included;
- j) Preliminary utility layout including location and size of existing and proposed water, sanitary and storm sewer lines; proposed location of electrical transmission lines, gas pipelines, street lights, fire hydrants and the location of garbage disposal facilities or a note indicating arrangements for these facilities;
- k) Location and size of all entrances and exits to the site showing sight distances and their relationship to all street and driveway intersections within 25 feet for driveways and 200 feet for street intersections;
- A landscape plan showing wood line before site preparation with species and average diameter of trees indicated and areas to be screened, fenced, walled and/or landscaped; also location of buffer strips, if required;
- m) Proposed location and intended use of all buildings with their dimensions, the number of floors, total floor area and maximum height above lowest ground point of each building;
- n) Notations to include the total project area, the amount and percentage of the site to be covered by buildings, open space, streets and parking;

o) General location, size, height, orientation, and appearance of proposed signs.

As a matter of discretion, the administrative officer may require additional items for preliminary site plans, which would be necessitated by conditions such as topography, location and anticipated traffic volumes on or near the site. The requirements may include but not be limited to traffic, noise, visual or fiscal impact studies, architect's models, renderings and other studies or data. In addition, if the administrative officer determines that one or more of the above submittal requirements is not applicable to the proposed project, it may be waived.

Upon receipt of an application and site plan, the administrative officer shall review same to determine if all required information has been provided or if additional information is needed. If the site plan is insufficient, the administrative officer shall notify the applicant in writing of such deficiencies. An application for a special use permit will not be scheduled for evidentiary hearing until such time as the board of adjustment is in receipt of a complete application and site plan, that is, an application and site plan containing all the information required under this ordinance.

#### 10-8-3 Evidentiary hearings on applications for special use permits.

Once the administrative officer is in receipt of a complete application and seven copies of a complete site plan, the administrative officer will schedule the application for an evidentiary hearing before the board of adjustment.

The administrative officer shall mail or deliver written notice of the public hearing to the person or entity whose application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The board of adjustment shall conduct an evidentiary hearing (quasi-judicial hearing) on the application. Per G.S. 160D-406(d), the applicant, the local government, and any person who would have standing under G.S. 160D-1402(c), shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

#### 10-8-4 Board of adjustment action on applications for special use permits.

After the evidentiary hearing, and on consideration of the record, the board of adjustment shall take action on the application, either (I) denying it, (2) approving it, or (3) approving it subject to one or more reasonable and appropriate conditions. The board of adjustment shall not approve an application for a special use permit, with or without conditions, unless it makes each of the following findings of fact:

- a) The proposed use complies with the standards for such use contained in article XVI;
- b) The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use; and
- c) The proposed use will not be detrimental or injurious to property or public improvements in the neighborhood of such proposed use.

#### Sec. 10-9. Variance.

A variance is a means whereby the city may grant relief from the effect of the zoning ordinance in cases of hardship. A variance constitutes permission to depart from the literal requirements of the ordinance.

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

The board of adjustment shall not have authority to grant a variance when to do so would: 1) result in the extension of a nonconformity regulated pursuant to section 6-2, above, or 2) permit a use of land, building or structure which is not permitted within the applicable zoning district classification. Per G.S. 160D-705(d), appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

#### Sec. 10-10. Processing of applications before the board of adjustment.

An application to the board of adjustment pursuant to the terms of this article, whether it be in the nature of a request for a variance or a special use permit or an appeal from an administrative determination, must be received by the zoning administrator at least 20 days prior to the date of a board of adjustment meeting in order to be scheduled for such meeting.

#### Sec. 10-11. Quasi-judicial decisions and judicial review.

- a) The board of adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board of adjustment's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board of adjustment. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board of adjustment. The decision of the board of adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- b) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402(I)(2). A petition for review shall be filed with the clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first class mail is used to deliver notice, three days shall be added to the time to file the petition.

#### PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board - December 17th, 2024

Planning Board Members Present: Donna Waters, Peter Hanley, Bob Johnson, and Jim Robertson

The Legislative Committee reviewed the text amendment and expressed minimal concern. One member disagreed with staff regarding the need to lower the variance threshold, but the other members were supportive.

GENERAL ZONING TF	(T AMENDMENT STANDARDS
1) COMPATIBILITY	EXISTING CONDITIONS  The existing board membership and quorum requirements makes it very difficult to get enough members to hold meetings, resulting in applicants having to wait several months to have their applications heard.  GEN H COMPREHENSIVE PLAN GOALS (Chapter IV)  Vibrant Neighborhoods: N/A  Abundant Housing Choices: N/A  Healthy and Accessible Natural Environment: N/A  Authentic Community Character: N/A  Safe Streets and Trails: N/A  Reliable & Accessible Utility Services: N/A  Satisfying Work Opportunities: N/A  Welcoming & Inclusive Community: N/A  Accessible & Available Community Uses and Services: N/A  Resilient Community: N/A  GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV)  Mix of Uses: N/A  Compact Development: N/A  Sense of Place: N/A  Conserved & Integrated Open Spaces: N/A  Desirable & Affordable Housing: N/A  Connectivity: N/A  Efficient & Accessible Infrastructure: N/A
2) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -  As development and redevelopment increases in Hendersonville, the board of adjustment receives more applicants as there are requests for special use permits and variances.
3) 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 -  Staff has worked to craft revisions to this ordinance that will help the board of adjustment run more smoothly, thereby creating a more efficient board.
4) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment

	This amendment will have no impact on public facilities.
5) Effect on Natural	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 -
Environment	There is no impact on the natural environment.

#### DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

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

The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.

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

# DRAFT [Rationale for Approval]

• Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner.

# DRAFT [Rational for Denial]

 Decreasing the number of board members will adversely impact the Board of Adjustment and the City operations.

Chapter 4 - The Vision for the Future	Consistent	Inconsistent	
SUPPLY, SUITABILITY, & INTENSITY			
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	NA		
, , , , , , , , , , , , , , , , , , , ,	NA		
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	NA		
FUTURE LAND USE & CONSERVATION MAP			
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)		NA	
Character Area Description (Pg. 122-131)	NA		
3 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	NA		
Focus Area Map (Pg. 134-159)	NA	NA	

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

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

Section 5, Item D.

Inconsistent
-
NA
1 47 4
NA
INA
<u>,</u>
NA
1 47 3

Section 5, Item D.

N/A N/A NA

Section 6. Item B.

# **NOTICE**

City of Hendersonville Planning Board

160 Sixth Avenue East, NC 28792

# PLANNING BOARD ANNUAL SCHEDULE OF REGULAR MEETINGS

**Regular Meetings** of the City of Hendersonville Planning Board are held **on the Second Thursday** beginning at **4:00 p.m.** in the 2<sup>nd</sup> Floor Meeting Room of City Hall located at 160 Sixth Avenue East, Hendersonville NC. The following regular meetings have been scheduled for 2025:

January 9, 2025 February 13, 2025 March 13, 2025 April 10, 2025 May 8, 2025 June 12, 2025 July 10, 2025 August 14, 2025 September 11, 2025 October 9, 2025 November 13, 2025 December 11, 2025

Jim Robertson Chair

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

Adopted: \_\_\_\_\_https://www.hendersonvillenc.gov

