



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, January 10, 2022 – 4:00 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Minutes of the December 13, 2021 meeting

4. OLD BUSINESS

5. NEW BUSINESS

A. Rezoning: Standard Rezoning – 1027 Fleming Street PIN 9569-60-2811 (P21-75-RZO) – *Tyler Morrow, Planner II*

B. Zoning Text Amendment: Lighting Ordinance (P21-25-ZTA) – *Lew Holloway, Community Development Director*

C. Zoning Text Amendment: Addition and Definition of Micro-distilleries, Micro-Cideries, and Micro-wineries with Supplementary Standards and Additional Uses to Zoning Districts (P21-83-ZTA): *Alexandra Hunt, Planner I*

6. OTHER BUSINESS

A. Comprehensive Plan: 2022 Update RFP Discussion – *Lew Holloway, Community Development Director*

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
December 13, 2021**

Members Present: Jim Robertson, Chair, Neil Brown, Bob Johnson, Barbara Cromar, Hunter Jones, Jon Blatt (Vice-Chair)

Members Absent: Peter Hanley, Tamara Peacock, Stuart Glassman

Staff Present: Matthew Manley, Planning Manager, Alexandra Hunt, Planner I and Terri Swann, Administrative Assistant III; Staff attending via Zoom: Tyler Morrow, Planner II, Lew Holloway, Community Development Director,

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Brown moved for the agenda to be approved. The motion was seconded by Mr. Blatt and passed unanimously.***
- III Approval of Minutes for the meeting of November 8, 2021. *Mr. Brown moved to approve the Planning Board minutes of the meeting of November 8, 2021. The motion was seconded by Ms. Cromar and passed unanimously.***
- IV Old Business - None**
- V New Business**
- V(A) Major Subdivision– Preliminary Plat – Providence Walk (P21-66-SUB). Mr. Manley gave the following background:**

This is an administrative hearing for a major subdivision. This is the opportunity for the Planning Board to review. This is administrative and not legislative. They are just looking for compliance. Does it comply with the Subdivision Ordinance and Zoning Code where referred to? Providence Walk is now owned by Providence Walk, LLC. It is just over 20 acres and consists of five parcels.

The vicinity map was shown along with photos of the existing conditions of the site. The pond has been drained. There are large mature trees on the eastern side. The plat differs a bit as the continuation of the right-of-way has been shifted to accommodate the Duke right-of-way. The stub out is to the south side.

A general overview of the site plan was shown.

Mr. Manley stated all applicable standards have been satisfied except for Section 3.07 Subdivision Names – that needs final confirmation from Henderson County. Also, Section 3.09 Dedication of Public Land – this has been noted for a “Fee-in-Lieu” to be made. Potential for actual dedication to come to fruition at Final plat. The location of the southern stub out also needs adjustment. Mr. Manley stated the dedication of public land to the City is usually right at an acre. The applicant has suggested doing a fee in lieu of the dedication. Access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access. Staff has recommended a location for dedication and that would free the applicant up from paying the fee. You may consider this in the motion. Staff has recommended that alignment be shifted down to align with the parcel adjacent for future development.

The alignment of the stub out was shown. This would be better alignment for future development for a future connection. The applicant has addressed all the standards. They are not required to pave all the way to Strick Garden Lane.

Public Comments received were read into the record. This included a petition submitted by the Oklawaha residents and a public comment from Franco Carrasco.

Mr. Manley stated this is an administrative hearing and no public comment is required. The School of Government states you can take public comment, but it must be limited to whether the subdivision is compliant with the Subdivision Ordinance or not. He will leave it up to the Planning Board on whether they want to take public comment or not.

Chair asked if there were any questions for staff.

Mr. Johnson asked to see the sidewalk detail again. Mr. Manley pointed out the sidewalk on the site plan. He asked how wide the planter strip is. Mr. Manley stated the planter strip is two feet. Mr. Johnson felt like they should do the dedication and not pay the fee.

Mr. Brown discussed the cut through to Strick Garden Lane. Mr. Manley stated they only have to pave to the property line. The City does not have the authority to ask them to pave any further. They do not have to pave but to the property line and that is per the City Attorney. This is done to help connectivity with future development. They will place a sign at the end of the street stating it is for future connectivity. It could happen in the future.

Ms. Cromar asked if they pay the fee in lieu, what happens? Mr. Manley stated there would be no dedication of the land and it would be the owner's prerogative as to what the acre is used for.

Mr. Manley stated they should look at the checklist and decide if they are compliant with the standards. This is the time for any fine tuning. If they get approval of the preliminary plat, they could start construction of the public infrastructure. They would supply the city with as-builts and once the as-builts are approved they would submit a final site plan. Staff would make sure all standards have been met and then the applicant could record the final plat and start selling the lots.

Mr. Brown discussed the approval of the Kanuga site plan review and how he had voted against that. It really was not an approval and he had concerns about that. Mr. Holloway explained the difference between an administrative decision and a legislative decision. What is before them today is an administrative decision and it is based purely on the Subdivision Ordinance and if the standards have been met. Either this does meet the standards, or it does not. That is what the Planning Board is looking at. Mr. Holloway stated City Council does not make any administrative decisions and they cannot apply any other standards to the Subdivision Ordinance. Mr. Manley explained how this approval is a different process. They are only here to make sure this meets all the standards of the Subdivision Ordinance.

Chair stated the Subdivision Ordinance is only about two years old. The consultant had recommended this being an administrative review.

Mr. Johnson was concerned that the stub out would become a potential nuisance. Mr. Manley stated this is not always a cause for concern. Sometimes when property is developed, and eyes are on the property it will deter negative activity. Mr. Johnson stated he was just thinking about the folks at the end of the development. Mr. Manley suggested the Board members look at CPTED, a law enforcement program for developers to deter negative activity.

Michael Goforth, High Country Engineering discussed the stub out and stated they will work with the City on aligning this. He also stated they will work with the City on the dedication of land. They are open to dedicating the acre of land. They are willing to work with the City on the stub out.

Mr. Brown asked about the use of permeable substance to pave the road. Mr. Goforth stated he does not have an answer for that but will work with staff on it. Mr. Manley stated Public Works would have to review this since it is a city street. They would need to review this.

Chair discussed the comment from Mr. Carrasco and asked about where the connection is made at the Duke powerline it expands on both properties. He discussed shifting the road away from the base of the pole. Mr. Manley stated they would need a radius adequate to the City street standards. They discussed filling in the area where the sewer is located and working with Duke.

The slope of the land was discussed.

Alexandra Hunt, Planner I stated she had spoken with the City Attorney and she said that anyone impacted could make public comment but they would need to state why this did not meet the Subdivision Ordinance and the comments must be related to that.

Chair opened the public comment and stated all comments must tie to the Subdivision Ordinance.

Ken Fitch, 1046 Patton Street stated he had concerns about the connection and thought City Council had voted to leave it as is. There is an issue with stormwater and raising the elevation. He was under the impression that the right-of-way would be left as it is and would not be used. They should have worked this out before they got here. Mr. Manley stated only those substantially impacted should make comments.

Lynn Clark, 343 Yon Hill Road stated there are quite a few things being proposed on North Main Street. She wanted clarification on the setbacks. Mr. Manley explained that there is a turn lane at the entrance and 25 feet would be a reservation with no structures or improvements made in this area in case an additional section is needed for road widening. They would need to contact NCDOT for the actual right-of-way. He stated reserved land cannot be developed. Chair discussed the turn lane and asked if NCDOT would acquire more land. Mr. Goforth stated this is actually a decel lane and not a turn lane. It will be right in and right out only. He pointed that out on the site plan.

Chair stated comments should pertain to the plat and why it does not meet the ordinance.

Lynne Williams, 309 Chadwick Avenue discussed the Floodplain ordinance and taking down trees. She discussed the pond on the property. Chair stated the pond was green and stagnant and is being improved now for the stormwater retention pond.

Chair asked if anyone via Zoom would like to speak.

Jeffrey Doody, 156 Yon Hill Road asked about the sidewalks on North Main Street. He was unsure why the setback was reduced to 20 feet. This reduces the vision, and the planting of trees will create less of a sight path. Mr. Manley stated the setback is 25 feet and it is a reservation. Site distance requirements will be looked at by NCDOT.

There was no one else that spoke via Zoom.

Chair closed the public comment.

Mr. Jones stated it comes down to three standards and he would like to see the dedication of land and not the fee in lieu.

Mr. Jones moved the Planning Board approve the Major Subdivision Plat for the properties PINs: 9569857172; 9569834918; 9569853434; 9569851398; and 9569853178 based on the Preliminary Plat submitted by the applicant and subject to the following conditions: Conditions that shall be satisfied prior to Final Plat approval include: 1. Dedication of land of one acre. 2. Permeable surface to be used in compliance with City staff review. 3. Confirmation that subdivision name will not be duplicated, and 4. The location of the stub out for adjustments will be reviewed with staff. Ms. Cromar seconded the motion which passed unanimously.

V(B) Major Subdivision– Preliminary Plat – Half Moon Heights (P21-67-SUB). Mr. Manley gave the following background:

Mr. Manley stated this is the Half Moon Heights project located adjacent to Wolf Chase and Ballantyne Commons. It is 33.65 acres and is zoned PRD CZD. The applicants are requesting a 93, single family lot subdivision.

Photos of existing conditions of the site were shown. The preliminary site plan was shown.

The plat features were shown and discussed. Dedication of public land has been addressed by their recent submittal. They will need final confirmation from Henderson County of the subdivision name.

Dedication of Public Land b., states USABILITY Public parkland must be without significant topographic elevation changes, well-drained, and suitable usable land for use as a public park under generally accepted public park development standards for the development of a public park, as determined by the City Manager. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size. This has been addressed by their recent submittal.

STREET DESIGN 5. CONTINUATION AND COORDINATION OF NEW STREETS - c. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate by the DRC for future development or in which the adjoining lands are developed and include opportunities for such connections. **d.** Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands. **The connection alignment to property to the south may need adjustment.**

The Subdivision Ordinance requires a K Value of 40. The applicant has met NCDOT standards for mountainous areas with a K Value of 10. They are requesting a deviation approval from the City Manager as is applicable under item d. for Street Grade: **"d. The City Manager may consider deviations from these standards based on topographic conditions or public safety concerns."**

The K Value is a greater standard than most coastal towns. This has been resolved with the City Manager.

The connectivity index was explained, and the standards included in the staff report that were incorrect were corrected. This exceeds the requirements for the continuation of new streets. Currently a 20-foot easement is shown but it will need to be expanded to 40 feet to cover the full width. The area extended and placed in the easement is to be maintained as open space.

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

Public Comments. Two public comments were read into the record from Donna Waters and Gus Martschink. Mr. Manley stated those comments were not applicable to the Subdivision Ordinance. He also explained staff's role and their job to ensure developments are aligned with the strategic goals. Staff is in no way working in partnership with any developer.

Chair asked about the bonding requirement in the Subdivision Ordinance. Mr. Manley stated he did not know what this refers to. They have to build certain aspects of the public infrastructure and things can be bonded such as the top layer of pavement, sidewalks, etc. The money is held to ensure City standards are met.

Joseph Schlotterbeck, developer stated the area listed as an easement is intended to be left as open space. He clarified that it makes sense to shift the stub out to the other side. Discussion was made concerning the slopes and the grade. Chair discussed working with staff and how a different angle could work but would take a portion of Lot 4. Mr. Schlotterbeck stated he was happy to through this with staff. He explained building the road and grading.

Chair opened public comment. He stated they are looking at the plat for Subdivision Ordinance compliance only.

Gus Martschink stated when he wrote his public comment his intention was to imply anything negative. Staff has done an excellent job if being neutral. He talked about the effects of the development and not causing harm to the property.

Janice Muldine, 135 Creekwalk Lane asked about the public street and if the stormwater would run into the retention basin for Wolf Chase. Her concern was the public streets and if they would be maintained by the City and whether or not the stormwater would eventually go into their retention system.

No one commented via Zoom.

Mr. Manley stated all public streets are inspected by City staff and must meet all requirements of the City. The stormwater system is constructed to retain a 50-year storm event. The developer has agreed to this condition. They are only required to retain water for a 10-year flood but have agreed to a 50-year flood. This exceeds the requirements. Mr. Schlotterbeck explained the flow of their system and how the water would be retained for up to 48 hours and then would gradually be released. Their storm tech system will catch and hold the water but it will eventually go into the Wolf Chase system. This is normal for every site. The streets will be maintained by the City.

Mr. Jones asked about the parkland trail in the dark area on the site plan and if it extends into the easement. Mr. Schlotterbeck stated the easement contains 25% more land than what is required, and the nature trail connection will be determined at the time of final site plan submittal.

Ms. Cromar moved the Planning Board approve the Major Subdivision Plat for the subject property PIN: 9568-00-1446 based on the Preliminary Plat submitted by the applicant and subject to the following conditions: Conditions that shall be satisfied prior to Final Plat approval include: 1. Knowing of easement clarity behind lots 15-19. 2. Developer work with City staff to determine the best location for the stub out located on the southern side and, 3. Subdivision name to be approved by Henderson County. Mr. Blatt seconded the motion which passed unanimously.

The Board took a three-minute break and reconvened at 5:44 pm.

V(C) Zoning Text Amendment – Industrial Conditional Zoning District (P21-76-ZTA). Mr. Morrow gave the following background:

Community Development staff initiated a conversation about allowing certain I-1 uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1 CZD following a series of discussions with economic development stakeholders in Hendersonville and previous project experiences.

The proposed text amendment is to exempt certain industrial uses from triggering a Conditional Zoning District when exceeding 50,000 square feet in floor area.

Reasons to allow were: to allow the City to be more competitive for large scale economic development projects, to better foster job creation and to adapt to new trends in economic development.

Changes to Article IV were shown in the presentation as well as changes to Article V. Changes to Section 5-12-4 were shown.

Example of Uses Exempt from 50,000 Square Foot Trigger are Bottling Plants, Food processing; bakery products, Textile Mill Products, Printing, publishing & allied industries, Apparel and other textile products and Furniture and fixtures.

Example of Uses Not Exempt from 50,000 Square Foot Trigger are Concrete plants, Automobile paint & body work, Civic centers, Freight terminals, Recycling centers, Exterminators and Fairgrounds.

The zoning map was shown with the existing I-1 zoning. Kimberly Clark was pointed out on the map.

Future Land Use Map Classifications include Business Center, Downtown Core, Downtown Support, Neighborhood Activity Center, High Intensity Neighborhood, Medium Intensity Neighborhood and Natural Resource/ Agricultural.

Comprehensive Plan Consistency: Action LU-13.5.3: Work with the Henderson County Partnership for Economic Development and other economic development organizations in packaging incentives and overcoming development obstacles for economic development projects that meet the City's Comprehensive Plan goals: Action LU-13.5.1: Work with the Henderson County Partnership for Economic Development and other economic development organizations to market Hendersonville as a business destination.

The Planning Board Legislative Committee met November 16th, 2021 and discussed the proposed text amendment. Discussions centered around the uses involved and if a higher square footage trigger would be a better option. No motions were made, only discussion.

Chair asked if there were any questions for staff.

Mr. Blatt asked about the marked off section in 5-12-1 (B) and asked if that was being removed. Mr. Morrow stated yes. Mr. Blatt stated it is not clear how the choices were made. Mr. Holloway explained how they were competing with other communities and how these industrial type businesses are built on the needs of local conditions and requires a competitive edge to selling products all over the world. He discussed the project on Upward Road and lessons were learned from that. He discussed the advantages to this text amendment. He stated this was based on aligning with the county.

Ms. Cromar asked about the apartments in the area. Mr. Morrow stated you don't find I-1 abutting residential. In that one case they are closer, but you don't normally see residential and industrial side by side.

Mr. Manley stated Berkeley Road is not suitable for biking or walking but you could get on the greenway and walk to other areas.

Discussion was made about wages and economic strategies. The median wage for the area was discussed. Mr. Holloway stated there is a study related to this and he would share it with the Board.

Chair stated this text amendment was to entice someone to bring jobs here and a stumbling block is having to go through the CZD process on some of the industrial uses. Mr. Jones stated this would make it more enticing.

It was stated that anything 20,000 sq. ft. would only go through site plan review but would go before the Planning Board.

Mr. Brown stated the City staff did a great job. He wasn't a fan of this, but it is a good balance and now he is in favor of the text amendment.

Chair opened the public comment. No one spoke.

Chair closed the public comment.

Mr. Jones moved the Planning Board recommend City Council approve an ordinance amending the official zoning ordinance of the City of Hendersonville, Article V – Zoning Districts Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District as presented. Finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 8, Strategy LU-13.5, Action LU-13.5.3 and that the zoning text amendment is reasonable and in the public interest for the following reasons: It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base, It positions the City to support the Henderson County Partnership for Economic Development in overcoming development obstacles associated with industrial/manufacturing recruitment, It reflects adaptation by the City to changing market trends in industrial recruitment, it aligns development review steps across local government entities to promote predictable and comparable development processes, optimally positioning the city for success in recruitment of industry to existing Industrial sites. Mr. Brown seconded the motion. The vote was 5 in favor and 1 opposed. Motion passed.

- V (D) Conditional Zoning District - Application for a conditional zoning district from Sanjay Patel of Sugarloaf Hospitality LLC, for the construction of a 66,000 sq. ft. four-story hotel with meeting room on 2.30 acres. (P21-73-CZD).** Ms. Hunt gave the following background:

This zoning district and site plan for this property was previously approved by City Council as a Special Use Permit in August 2018. The permit lapsed as construction did not begin within the given amount of time and therefore the project must seek new approvals under the current zoning regulations. The applicant is requesting that the permitted use of Hotels & Motels in PCD CZD be permitted.

The vicinity map was shown and I-26 was pointed out as well as the other hotels in the area.

Parcels to the north and south are zoned C-3 Highway Business and contain commercial uses such as the Ramada Inn and Best Western and restaurants/cafes. Parcels to the East are zoned R-15 Medium Residential.

Ms. Hunt stated as you can see, grading has begun on the site. The existing vegetation was approved to

be removed without mitigation in 2018. The applicant began grading the site per the 2018 approval prior to planning staff receiving this application at which point the applicant was made aware that the entitlements have lapsed. The applicant will have to plant additional landscaping to bring the site into conformance with the current landscaping requirements of Section 15 of the Zoning Ordinance.

The building is a four-story hotel with meeting room, 98 guest rooms and 16, 500 sq ft per floor which is 66,000 sq ft total. Meeting room is 860 sq ft. Parking Requirements (Section 6-5-2) = 100 required parking spaces and 104 are provided which includes 5 handicap spaces.

The comprehensive plan designates the subject property and surrounding area as Regional Activity Center. The Goals of this designation is to meet the large-scale retail needs of residents while encouraging mixed-use, walkable design through redevelopment and infill projects. Locations for Regional Activity Centers are commercial areas surrounding US-64/I-26 and Upward Rd/I-26 interchanges. Secondary Land Uses include multi-family residential, offices, public and institutional uses.

The comprehensive plan also designates this area as a priority infill area which are areas that are considered high priority for the City to encourage infill development on remaining vacant lots and underutilized/underdeveloped properties.

At the Neighborhood Compatibility meeting the Dark Sky lighting requirements were brought up. The developer was to relay this to their engineer.

Chair asked if there were any questions for staff.

Mr. Jones asked about sidewalks and having connectivity. Ms. Hunt stated a sidewalk would be required on Sugarloaf Road. Mr. Jones asked about having sidewalks on adjacent properties to connect. Ms. Hunt stated that is not required.

Mr. Blatt stated if this was still zoned C-3 then none of this would be necessary. Mr. Manley stated it is over 50,000 sq. ft. and therefore must go through the CZD process. This was rezoned to PCD and now needs a rezoning to PCD CZD. The binding site plan has been voided. The developer was on Zoom but had another meeting at 5:30 pm.

Chair opened the public comment,

Ken Fitch, 1046 Patton Street stated the presence of another hotel does not raise any objections. The concern was the lot was clear cut before any approvals were granted. There is the presence of a Blueline Stream and that is a concern. Compatibility with the nearby residential areas is a concern. This will need to be reviewed by the Tree Board as well. There needs to be a measure of respectful compliance.

Amit Govindji (Zoom) 155 Sugarloaf Road stated they did not know the permit was expiring. They are excited to be part of the City of Hendersonville. They want to make sure they fit into the community nicely. He apologized for starting the work before the approval.

No one else spoke via Zoom. Chair closed the public comment.

Mr. Brown asked about having a written agreement with the conditions. Mr. Manley stated that will come after City Council approval. The written conditions are attached to the ordinance.

Chair asked if the Tree Board looked at the initial project. Ms. Hunt stated a landscaping plan was approved. She did not see where the application was reviewed by the Tree Board in 2018. Mr. Manley stated since they are submitting a new plan, this will be taken before the Tree Board on December 21st.

Chair asked about looking at the elevations and having design standards for the building. Mr. Manley stated the PCD zoning does not have design standards. Discussion was made on adding conditions related to design standards.

Mr. Jones asked how much the plan has changed from the 2018 approval. Mr. Manley stated this is the same site plan from 2018.

Ms. Cromar asked if this was the same contractor. Mr. Manley stated it is the same development team.

Mr. Manley stated if conditions are added for design standards the developer would have to agree to them and staff can work with them on the standards.

Mr. Blatt stated he feels like this is changing the rules midstream. Mr. Manley stated they are not changing the rules, there are conditions that change the factors and they must now go through the CZD process.

Amit stated the plans have not changed from 2018. they had delays in the financing and with Covid and this caused a lapse in the development. This will be a beautiful building. It will be similar to the Home 2 built in Asheville. This will be a high-end product. He was not sure about meeting the Dark Sky requirements.

Mr. Blatt stated they do not have a lighting ordinance that requires a developer to be Dark Sky compliant. Mr. Brown stated the Tree Board has not had a chance to review this either. Mr. Manley stated the Tree Board recommendation would go to City Council. Mr. Manley discussed the timing of the projects going to the Tree Board before coming to the Planning Board. It was a mistake on his part that this project did not go to the Tree Board first.

Mr. Blatt made a motion to table this item until after the Lighting Ordinance draft presentation. Mr. Jones seconded the motion which passed unanimously.

V(E) Conditional Zoning District – 137 & 139 E. Central Street – (P21-72-CZD). Ms. Hunt gave the following background:

City Council previously approved a conditional rezoning request and site plan for the subject property on April 2, 2020. No changes to the approved site plan are proposed. Rather, the applicant is requesting to add Automotive Paint and Body Work – which is a Special Use in C-2 - and additional permitted uses in the C-2 zoning district to the approved list of uses for the Conditional Zoning District at the subject property.

The vicinity map was shown along with the site plan and existing conditions.

As stated earlier, the existing zoning is not changing – it will remain C-2 CZD. Predominate uses in the area are R-15 Medium Density Residential however, parcels to the South are zoned C-3 Highway Business and include commercial uses such as the Henderson County Board of Elections. The subject property is in close proximity to Spartanburg Hwy and Old Spartanburg Road.

The Comprehensive Plan designates the subject property and surrounding parcels as High Intensity Neighborhood. The goal of this designation is to encourage low-maintenance high density housing that supports Neighborhood and Regional Activity Centers and Downtown and provides a transition between commercial and single-family development. Secondary Uses recommended Land Uses include – public and institutional uses, office and retail along thoroughfares and recreational amenities. The additional uses that the applicant is requesting (which I have listed on the following slides) but include Automotive Paint & Body Work as a special use in C-2 aligns with the Comprehensive Plan's Land Use & Development.

Chair asked if there were any questions for staff.

Discussion was made about the full list of the C-2 uses. Ms. Hunt stated anything incompatible was left off the list. The permitted uses will be for just this property and not for any other C-2 zoned property.

Billy Pace, applicant stated this is just for this specific property. He wants to put a business in his existing building. This is an established business that is downsizing. They sold their current business to a franchise. Mr. Pace stated he is back because the uses need to be better defined.

There were no questions for Mr. Pace.

No one had any public comment via Zoom or in the room.

Chair closed the public comment.

Mr. Holloway discussed the CZD process and the site-specific conditions that go along with it. He discussed staff working on a wider list of uses.

Mr. Brown moved the Planning Board recommend City Council approve the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-24-9710) from C-2 CZD (Secondary Business Conditional Zoning District) to C-2 CZD (Secondary Commercial Zoning District) based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Johnson seconded the motion which passed unanimously.

VI Other Business. Mr. Holloway gave a presentation of the Draft Lighting Ordinance. There was no Board action on this item.

V(D) Continuation of Hendersonville Home 2 (P21-73-CZD)

Discussion was made about a condition being added for the project to meet the requirements of the Draft Lighting Ordinance. Mr. Blatt was not in favor of this.

Amit stated this was the first time they had heard about Dark Sky lighting. He did some research on it and they will do the best they can to comply with it. They are more than willing to work with staff.

Mr. Blatt stated Chair had concerns about having design standards for the building. He does not want to inflict this on this project. Would the developer be willing to accept design standards? Amit stated they are planning to replicate close to how the Asheville Home 2 is built. It will be subtle and very beautiful. They can submit elevations to staff. They will also work with the Tree Board on any recommendations they may have. They want to add to the beauty of Hendersonville.

Chair stated he is ok with not placing design standards on the developer.

Mr. Blatt asked if they are committing this to be a Home 2 Suites. Amit stated yes.

Discussion was made on design standards in zoning districts and the lighting ordinance.

Mr. Blatt moved the Planning Board recommend City Council approve the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9579-56-7956 from PCD (Planned Commercial Development to PCD CZD (Planned Commercial Development Conditional Zoning District based on the site plan submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Ms. Cromar seconded the motion.

The Board discussed the conditions to be added to an amended motion. Mr. Manley stated the Comp Plan is a guiding document. He discussed design standards in mixed use districts and the draft lighting ordinance. Mr. Manley stated they could review the site plan based on the draft ordinance.

Mr. Blatt asked the Board what conditions they would like to add to the motion before taking the vote. Mr. Jones stated he would like to add a recommendation that the developer comply with the draft lighting ordinance. Mr. Blatt stated he has no problem with this as long as it is a recommendation and not a requirement. Chair stated he wasn't too concerned about design standards because these buildings are all traditionally good-looking buildings.

Three conditions were added to the motion: 1. Recommendation that the developer review the lighting ordinance and work with City staff to comply with the draft lighting ordinance, 2. There must be a walkway combining the Day in the Country parking lot with this hotel's parking lot, and 3. Provide elevations of the proposed hotel prior to City Council.

Mr. Brown made an amendment stating the developer comply with the draft lighting ordinance as it is today. Mr. Blatt did not accept the amendment to the motion as he felt it was not legal or fair to the developer.

The vote was taken. It was 5 in favor and 1 opposed. Motion passed.

VII Adjournment – The meeting was adjourned at 7:57 pm.

Jim Robertson, Chair

SUBMITTER:	Tyler Morrow	MEETING DATE:	January 10 th , 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Rezoning: Standard Rezoning – 1027 Fleming Street PIN 9569-60-2811 (P21-75-RZO) – <i>Tyler Morrow, Planner II</i>		

SUMMARY: The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Andrew Riddle of Riddle Development LLC (applicant) and Hunting Creek Associates, LLC (property owners). The applicant is requesting to rezone the subject property from MIC-SU Medical, Institutional and Cultural Special Use to MIC Medical, Institutional and Cultural. The subject property, PIN 9569-60-2811 is located at 1027 Fleming Street The subject property is approximately 3.3 acres.

A Special Use district was established for this parcel in 2006 and amended in 2008. The parcel was originally 5 individual parcels that were combined into one parcel.

Any changes to the site plan or uses under the current zoning would require that the applicant go through the Conditional Zoning District process. The applicant is requesting to rezone the parcel from the Conditional Zoning District into a Conventional Zoning District. If rezoned to MIC, Medical, Institutional and Cultural all uses within this district would be allowed on this parcel and all site plans would be reviewed by staff unless they exceed one of the square footage triggers outlined in the zoning ordinance (a proposed 50K Sq Ft project would automatically trigger the CZD process).

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

PROJECT/PETITIONER NUMBER:	P21-75-RZO
PETITIONER NAME:	<div><div>1. Andrew Riddle of Riddle Development LLC (applicant)</div><div>2. Hunting Creek Associates, LLC (property owners).</div></div>
ATTACHMENTS:	<div><div>1. Staff Report</div><div>2. List of Permitted Uses in MIC</div><div>3. Ordinance</div><div>4. Proposed Zoning Map</div><div>5. Application and Supporting Documents</div></div>

1027 Fleming Street (PIN 9569-60-2811)
Zoning Map Text Amendment
(Rezoning)
P21-75-RZO

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: Andrew Riddle of Riddle Development LLC

Property Owner: Hunting Creek Associates LLC

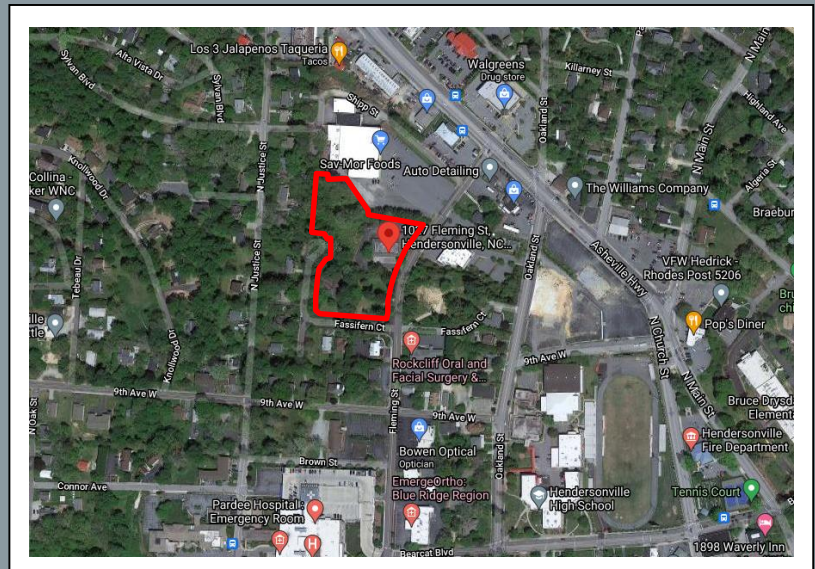
Property Address: 1027 Fleming Street

Project Acreage: 3.3 Acres

Parcel Identification Number(s): 9569-60-2811

Current Zoning: MIC- SU, Medical, Institutional, Cultural Special Use

Proposed Zoning: MIC – Medical Institutional, Cultural



SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

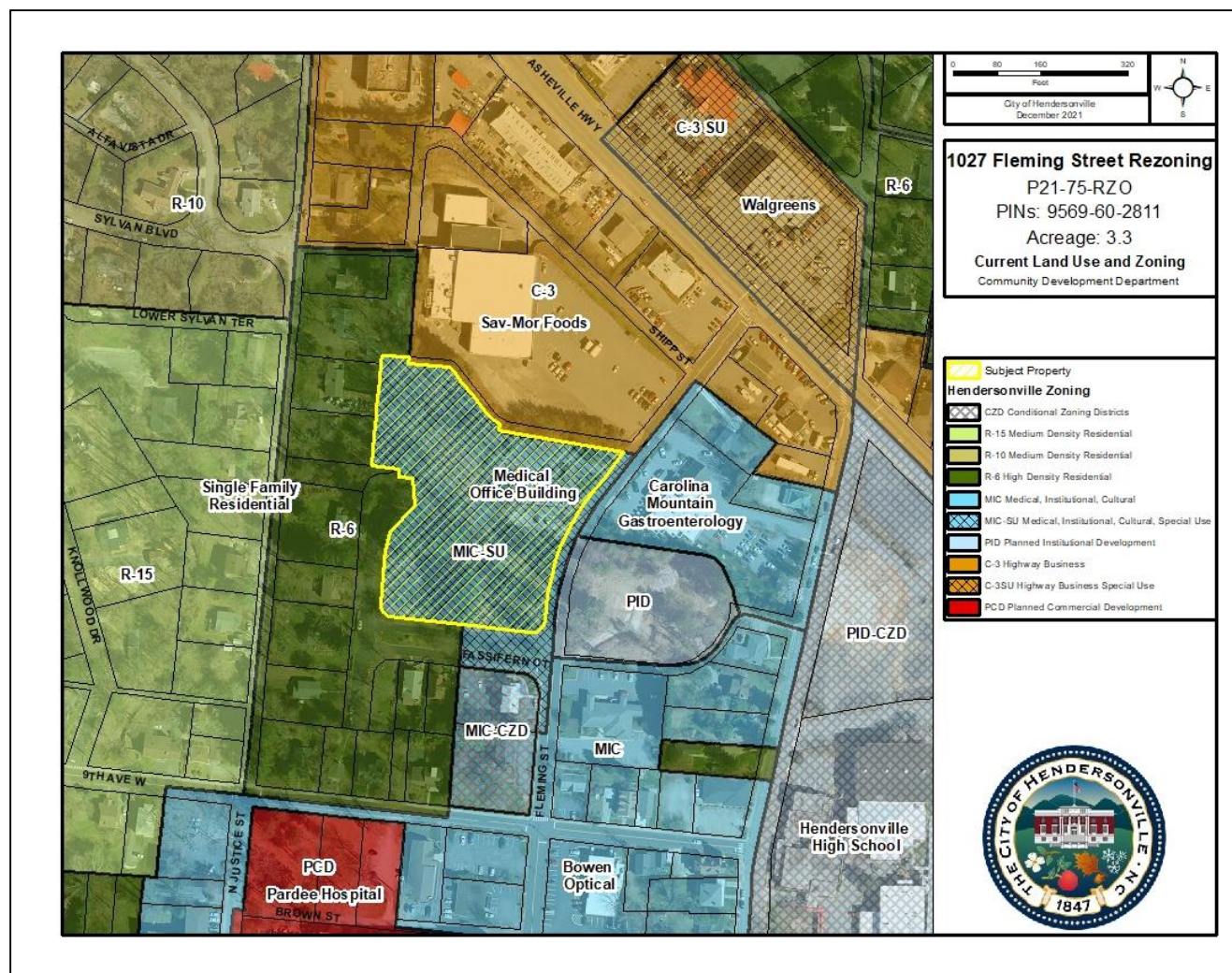
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PROJECT SUMMARY - CONTINUED



Parcels to the north are mostly zoned C-3 Highway Business. The C-3 zoning district follows the intense commercial corridor along Asheville Highway (US Hwy 25). Asheville Highway is a major artery and gateway to the City and provides frontage for a wide range of businesses with varying types of goods and services. To the west, the parcel is bordered by residential uses zoned R-6, High Density Residential and R-15 and R-10, Medium Density Residential. Most of the residential uses in this area are comprised of single-family dwellings on small lots. Parcels to the east are zoned MIC Medical, Institutional and Cultural and PID Planned Institutional Development. The majority of uses in this area are professional and medical offices. This area is intended to be a corridor that supports Pardee Hospital. To the south, parcels are zoned MIC-CZD Medical, Institutional and Cultural Conditional Zoning District, MIC Medical, Institutional and Cultural and PCD, Planned Commercial Development and contain various professional and medical uses including Pardee Hospital and a recently approved Conditional Zoning District known as “Fleming Street Medical Office Building”.

SITE CONDITIONS – SITE IMAGES

View of the property at the intersection of Fassifern Ct. and Fleming St.



View from the undeveloped portion of the property looking towards the existing medical office.



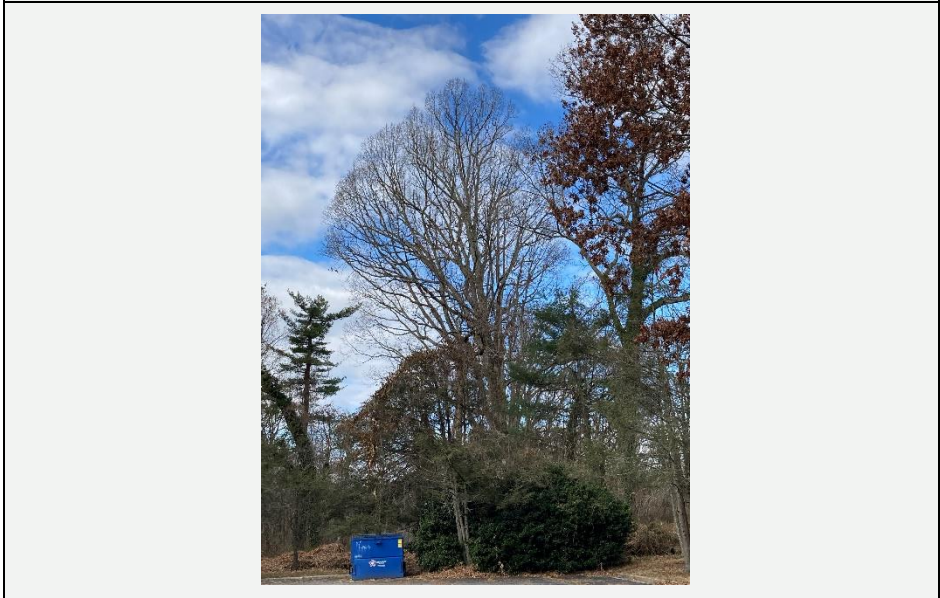
View of an abandoned house on the property.



View of the existing medical office building on the site.



View of mature trees on the site.



View of the property looking towards Fleming Street.



AERIAL PHOTOS

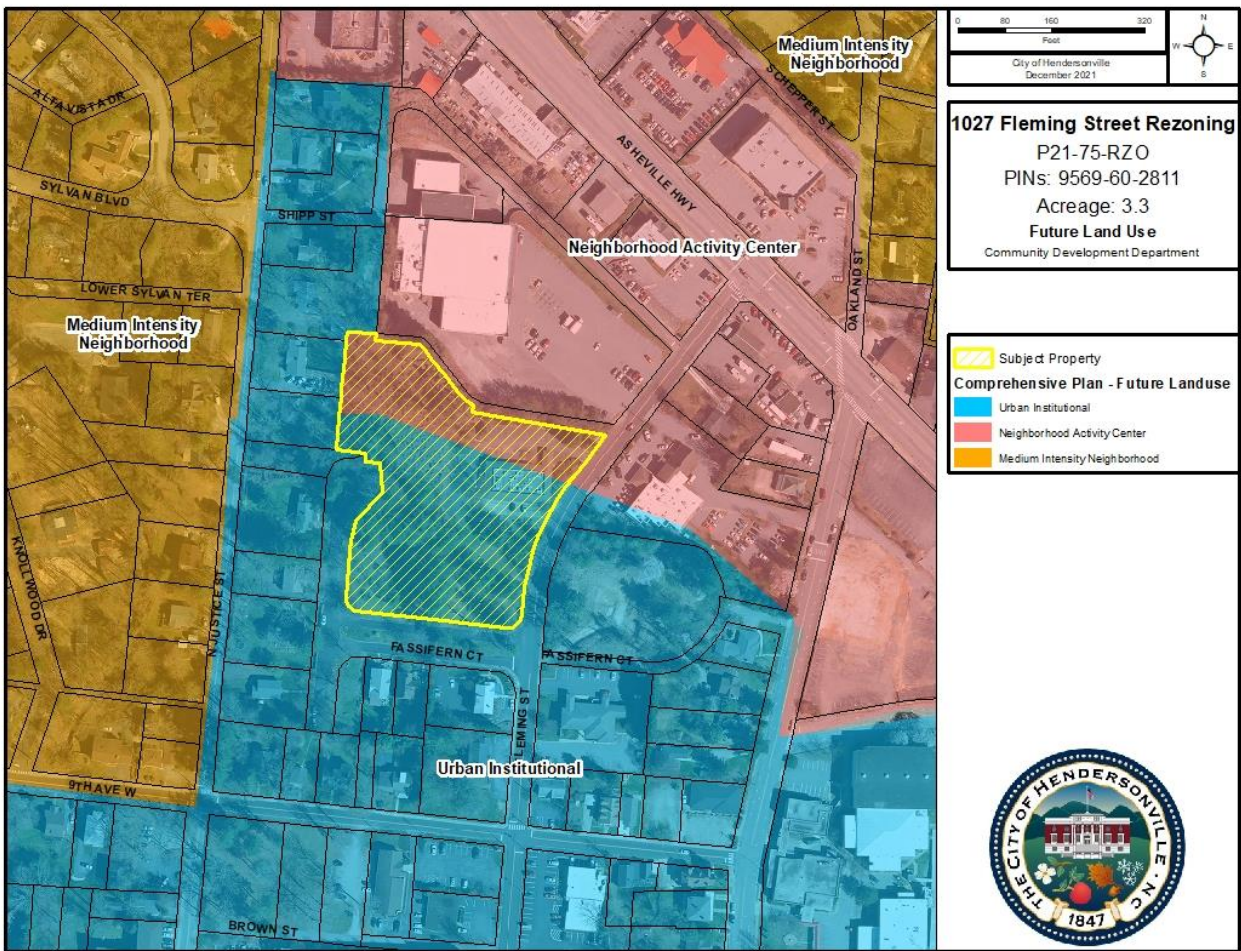
View from the south



View from the north



REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan’s Future Land Use Map designates this parcel as Urban Institutional and Neighborhood Activity Center. Parcels located to the north, east and south are also designated Urban Institutional and Neighborhood Activity Center. The Urban Institutional is in this area due to its proximity to downtown and the prevalence of medical and educational institutions in the area; the most prominent being Pardee Hospital and Hendersonville High School.

The Neighborhood Activity Center designation follows the entry corridor along Asheville Highway which is a major commercial hub for the City.

The parcels to the west are designated as Urban Institutional and Medium Intensity Neighborhood. The majority of this area is comprised of single-family dwellings which is a primary recommended land use under this designation. Some of the existing single-family residences are located in the Urban Institutional designation.

Goal LU-12.

Urban Institutional: Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.

Strategy LU-12.1.**Locations:**

- Area surrounding Pardee Memorial Hospital

Strategy LU-12.2.**Primary recommended land uses:**

- Public and institutional uses
- Offices
- Structured or underground parking

Strategy LU-12.3.**Secondary recommended land uses:**

- Single-family attached residential
- Multi-family residential
- Live-work units
- Limited retail and services

Strategy LU-12.4.**Development guidelines:**

- Similar development standards to Downtown Support
- Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown
- Development and maintenance of traffic calming improvements

**Goal LU-8.**

Neighborhood Activity Center: Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods.

Strategy LU-8.1.**Locations:**

- Major intersections along existing local commercial corridors (US-25 and US-176)
- Emerging neighborhood activity center at US-64 and Howard Gap Road

Strategy LU-8.2.**Primary recommended land uses:**

- Neighborhood retail sales and services

Strategy LU-8.3.**Secondary recommended land uses:**

- Offices
- Multi-family residential
- Live-work units
- Public and institutional uses
- Pedestrian amenities (plazas, outdoor seating, etc.)
- Mixed uses

Strategy LU-8.4.**Development guidelines:**

- Minimal parking in front of buildings (no more than one to two rows) along thoroughfares, with remainder of parking located to the side or rear
- Encouragement of buildings that are designed at a human scale, maximizing window coverage on ground floors and utilizing façade articulation
- Provision of pedestrian connections to parking and other buildings/properties



Activity Nodes: The Neighborhood Activity Center and Regional Activity Center include additional design guidance for “Activity Nodes”, which are locations identified on Map 8.3b that are planned as high-density, pedestrian-friendly community focal points. Although downtown will be Hendersonville’s primary urban focal point, the Activity Nodes will act as “satellite” nodes that bring the benefits of urban, mixed-use development and walkable design to neighborhoods and regional retail centers outside of downtown. Activity nodes encourage mixing of neighborhood or regional retail with other complementary uses within a five to 10-minute walking radius. Roadway and site design will create distinctive “centers” that serve as community gathering spots and create a unique sense of place

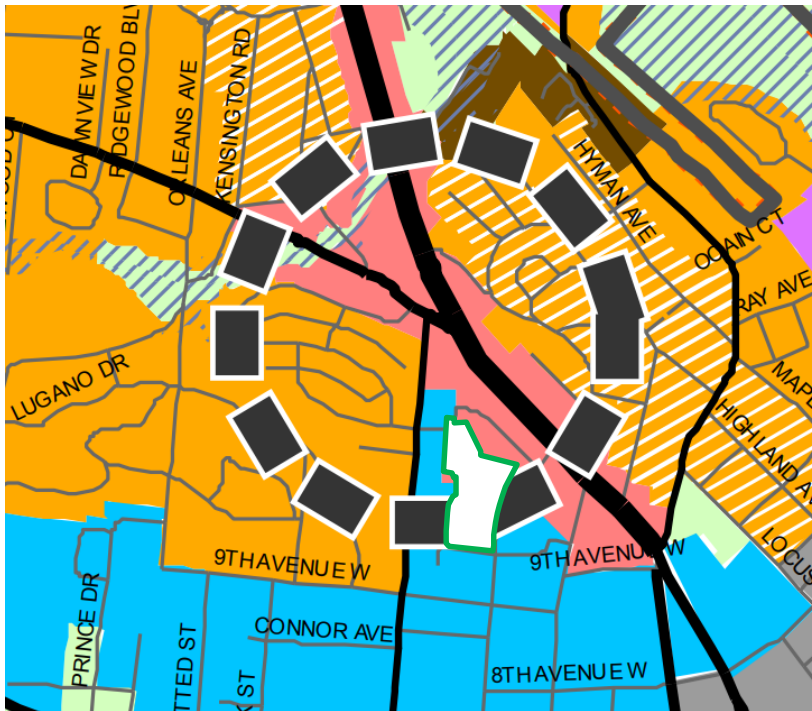


Activity Node

Neighborhood Activity Center

Activity Nodes:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet from right-of-way)
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods
- Inclusion of traffic calming improvements (described under Strategy TC-1.4 in Chapter 7) with redevelopment projects



Example of a mixed-use Neighborhood Activity Center

Growth Management Priority Infill Areas (Beige):

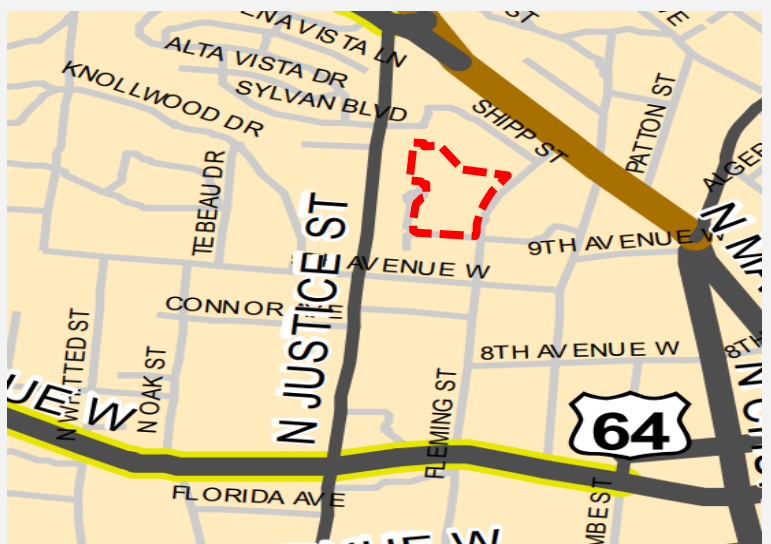
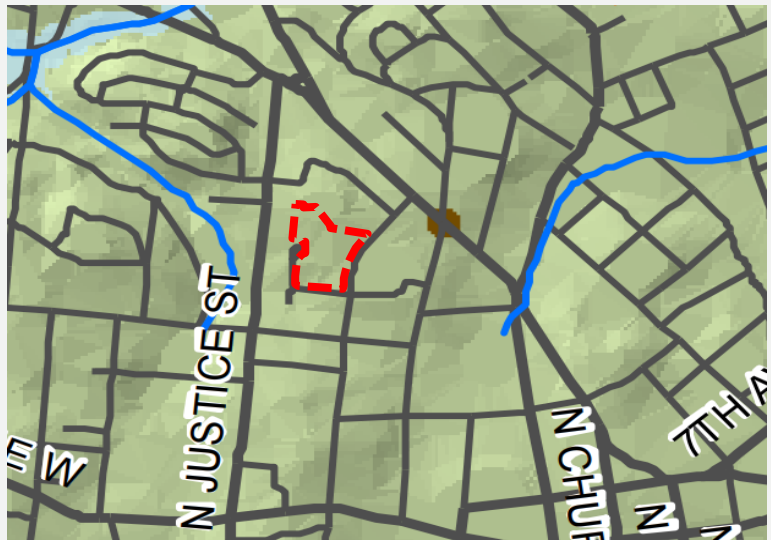
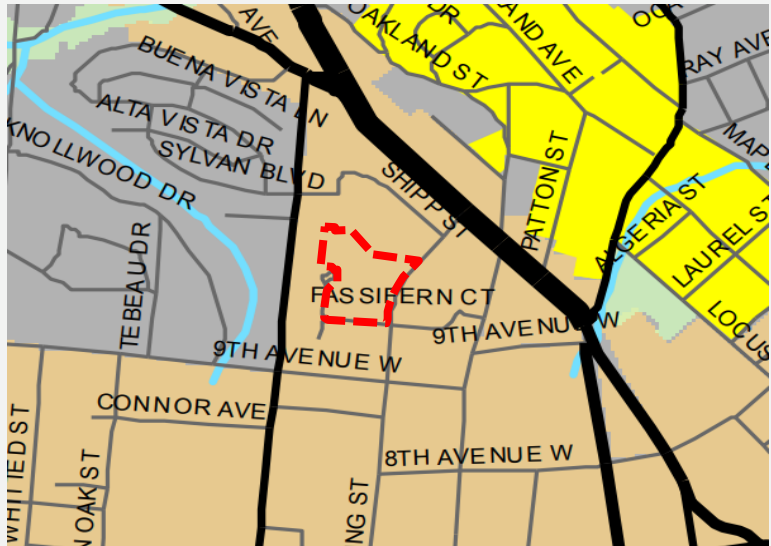
Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties

Natural Features:

There are two streams in proximity to this property. However, neither of the streams are on the subject property and no stream/floodplain regulations would be applicable for this property.

Road Designations

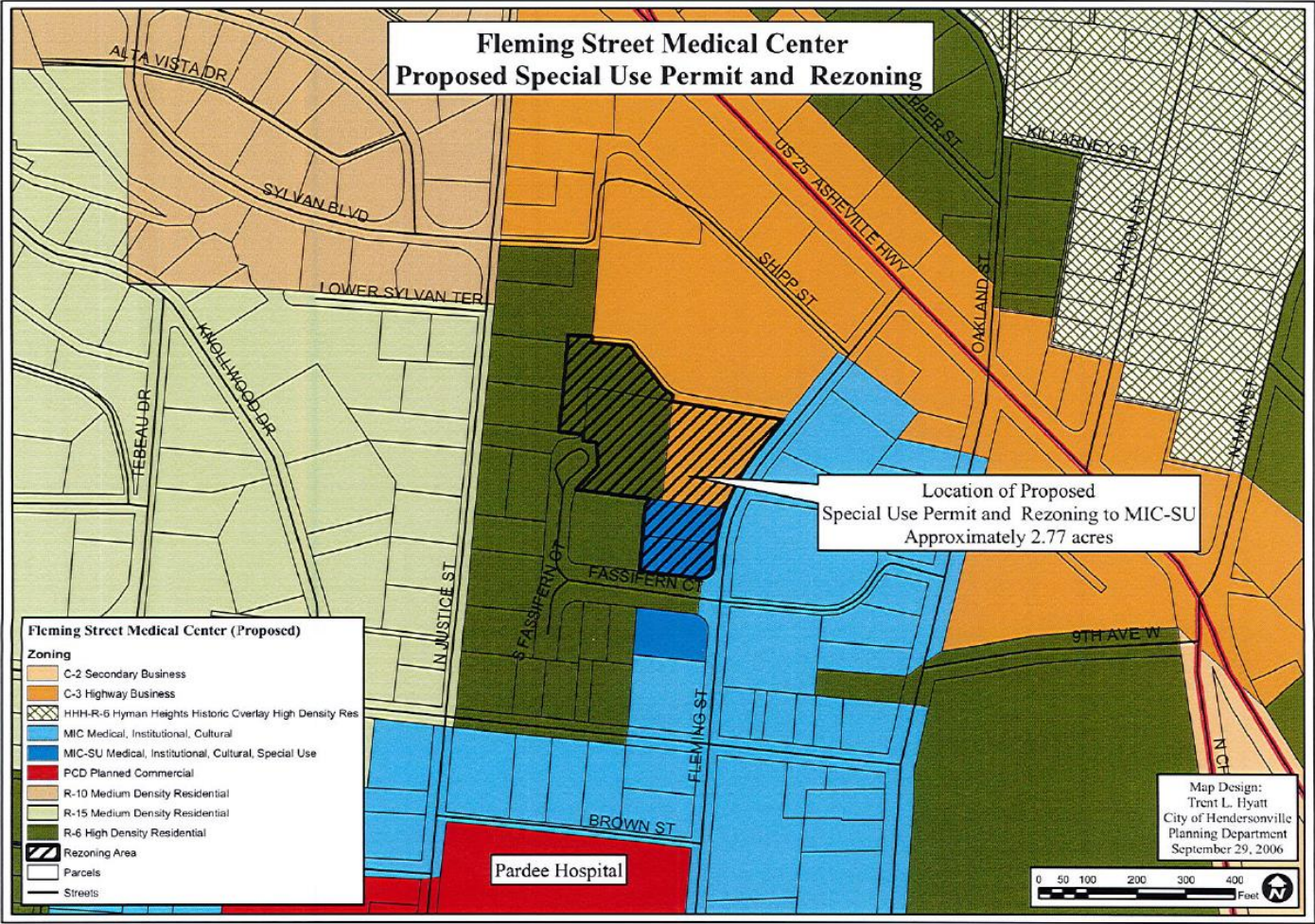
-  Freeway
-  Boulevard
-  Major Thoroughfare
-  Minor Thoroughfare
-  Proposed Improvement
-  Local Street



CURRENT CONDITIONAL ZONING DISTRICT/ SPECIAL USE DISTRICT

The subject property was rezoned into a Special Use district in 2006. Due to changes made in 160D, Special Use Districts are now converted to Conditional Zoning Districts and will follow the City’s requirements for Conditional Zoning Districts and any amendment thereto.

The Special Use Permit for this property was established on December 7th, 2006. The subject property was comprised of 4 individual parcels which were later combined. The properties were zoned C-3 Highway Business, R-6 High Density Residential and MIC SU Medical, Institutional, Cultural Special Use. The Special Use for the property on the south eastern corner was for a medical office that was never constructed. A zoning map from 2006 showing the areas to be rezoned is shown below.



The special use permit allowed for the construction of two medical office buildings totaling 28,470 square feet. One was a two-story 11,220 square foot building and the other was a three- story 17,250 square foot building. The entire development, including an existing 11, 518 square foot medical office building, would have totaled 39,988 square feet. The site plan that was approved by City Council is below.



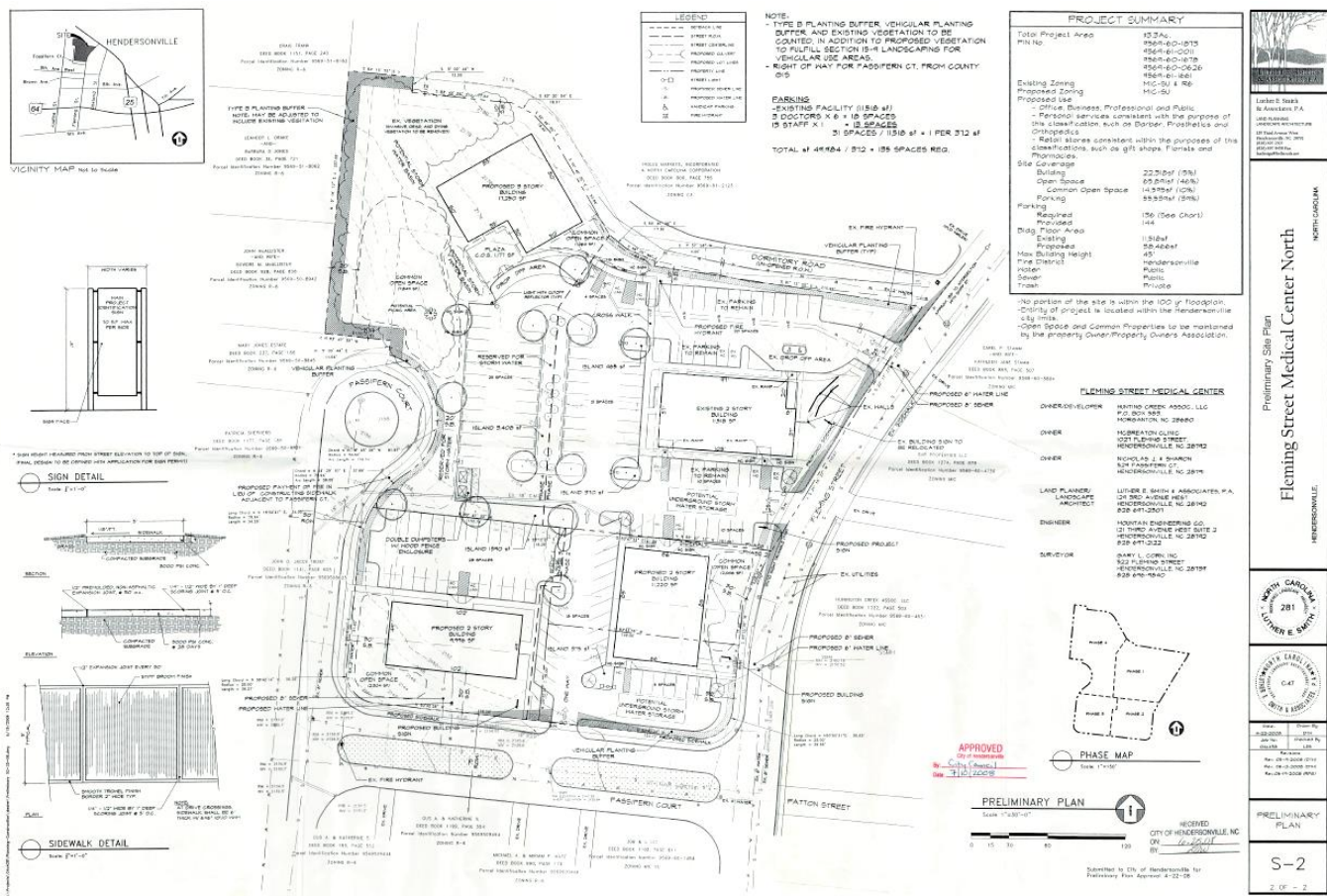
Special Use Amendment:

In 2008 the property owners petitioned City Council to amend their Special Use permit. The amendment was approved on July 10th, 2008 and allowed the following:

- 1) the Rezoning of 0.52 acres from R-6 High Density Residential to MIC-SU Medical Institutional Cultural Special Use and
- 2) the issuance of a Special Use permit allowing the construction of three medical office buildings totaling 38,466 square feet on the northwest corner of Fleming Street and Fassifern Court.

The new parcel was proposed to house a two story 9,996 square foot medical office building. This brought the overall development to 49,984 square feet (which included the existing medical office building). The additional parcel would take the development from 4 to 5 parcels in total. The development was designed to be constructed in 4 phases.

The site plan approved for Special Use amendment is included below.



The Special Use Permit was issued with the following uses:

- 1) Offices, businesses, professional and public
- 2) Personal Services- consistent with the purpose of this classification
- 3) Retail Stores- consistent with the purposes of this classification.

As a condition of this approval, the applicant had to combine all the parcels into one to show a unified development.

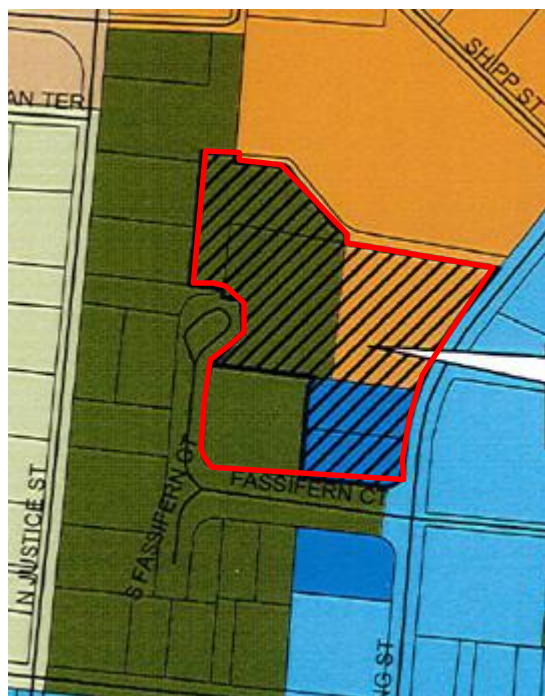
The development was never constructed. The only existing medical office building on the site today existed prior to the Special Use permit or amendment. The deadline for completing construction on this project was December 12, 2015. Any new amendments to this site would require the project to go through the Conditional Zoning District under the City's current zoning standards.

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

Zoning Compliance:

The applicant is proposing to rezone the subject property from MIC- SU, Medical, Institutional, Cultural Special Use to MIC Medical, Institutional, Cultural. If approved, this would remove the special use permit for this parcel and would permit any of the uses allowed within the MIC district.

MIC is one of the most prominent zoning districts in this area due to location and associated uses. However, it is important to note that the 3.3-acre parcel that is present today was previously 5 individual parcels prior to the Special Use permit issuance in 2008. One of the parcels was zoned MIC and another parcel was zoned C-3 Highway Business. Both parcels fronted on Fleming Street. The remaining 3 parcels were zoned R-6 High Density Residential. The parcels that fronted on Fleming Street allowed a range commercial uses while the 3 parcels that fronted Fassifern Ct. were focused on high density residential and related uses.



The Medical, Institutional, Cultural district differs from some of our more traditional commercial districts. The uses and intent of this district is directed towards medical and educational uses. This district could provide a transitional area between the more traditional commercial uses and the high density residential to the west. An exhaustive list of what is permitted in MIC is included in your packet.

Comprehensive Plan Compliance:

The majority of this parcel is designated as Urban Institutional. This designation was designed for areas surrounding Pardee Hospital. The uses highlighted as primary recommended land uses under this designation reflects the uses allowed in the MIC district. However, live work units and multi-family are each secondary recommended land uses in Urban Institutional, and MIC does not allow for this type of residential.

CRITERIA FOR ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following criteria are to be considered as part of the decision-making process.

Compatibility with Surrounding Uses

- The Fleming Street corridor is comprised of MIC zoning or uses that would be allowed under MIC Zoning. This zoning change would allow for this area to be developed in a similar manner with comparable uses.

Changed Conditions

- The approved Special Use permit has expired. Any amendments would be required to go through the Conditional Zoning Process. If rezoned to MIC, this would allow the property to be developed in accordance with the zoning ordinance and would not require the full CZD process.

Public Interest

- This parcel could serve as a transition between traditional commercial uses and the high density residential to the west.

Public Facilities

- The site will be served by two City maintained streets. Water and Sewer are also available to serve any future development on the site.

Effect on the Natural Environment

- There are two blue line streams in the general area, but neither of which are located on this parcel and would not be impacted due to the development of this parcel.

PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

RESERVED

Planning Board Motion

RESERVED

ATTACHMENTS:

1. Staff Report
2. List of Permitted Uses in MIC
3. Ordinance
4. Proposed Zoning Map
5. Application

Section 5-10 Medical, Institutional and Cultural Zoning District Classification (MIC). This zoning district classification is established primarily for medical, institutional, and cultural uses

5-10-1 Permitted Uses: The following uses are permitted by right in the MIC Medical Institutional Cultural Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

- Accessory dwelling units subject to Supplementary Standards contained in Section 16-4 below
- Accessory uses & structures
- Adult care centers registered with the NC Department of Health and Human Services (DHSS)
- Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Banks and other financial institutions
- Child care centers subject to Supplementary Standards contained in Section 16-4, below
- Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
- Congregate care facilities subject to Supplementary Standards contained in Section 16-4, below
- Home occupations
- Hospitals
- Laundries, coin-operated
- Music and art studios
- Neighborhood community centers
- Nursing homes subject to Supplementary Standards contained in Section 16-4, below
- Offices, business, professional and public
- Parking lots & parking garages
- Parks
- Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical & dental labs and clinics, opticians & optical services and prosthetics & orthopedics
- Planned residential developments (minor)
- Progressive care facilities subject to Supplementary Standards contained in Section 16-4, below
- Public & semi-public buildings
- Religious institutions
- Residential care facilities subject to Supplementary Standards contained in Section 16-4, below
- Residential dwellings, single-family
- Residential dwellings, two-family
- Rest homes subject to Supplementary Standards contained in Section 16-4, below
- Retail stores consistent within the purposes of this classification, such as gift shops, florist shops and pharmacies
- Schools, post-secondary, business, technical & vocational
- Signs, subject to the provisions of Article XIII
- Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below

5-10-2 Special Uses: The following uses shall be permitted in the MIC Medical Institutional Cultural Zoning District Classification only upon issuance of a Special Use Permit pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

- Bed & breakfast facilities
- Civic clubs & fraternal organizations
- Cultural arts buildings
- Public utility facilities
- Restaurants

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9569-60-2811 BY CHANGING THE ZONING DESIGNATION FROM MIC- SU, MEDICAL, INSTITUTIONAL, CULTURAL SPECIAL USE TO MIC, MEDICAL INSTITUTIONAL, CULTURAL

IN RE: Parcel Number: 9569-60-2811 1027 Fleming Street Rezoning
(File # P21-75-RZO)

WHEREAS, the City is in receipt of a Standard Rezoning application from Riddle Development LLC (applicant) and Hunting Creek Associates, LLC (property owners).

WHEREAS, the Planning Board took up this application at its regular meeting on January 10th, 2022; voting _____ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on February 10th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9569-60-2811 from MIC-SU, Medical, Institutional, Cultural Special Use to MIC, Medical Institutional, Cultural
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

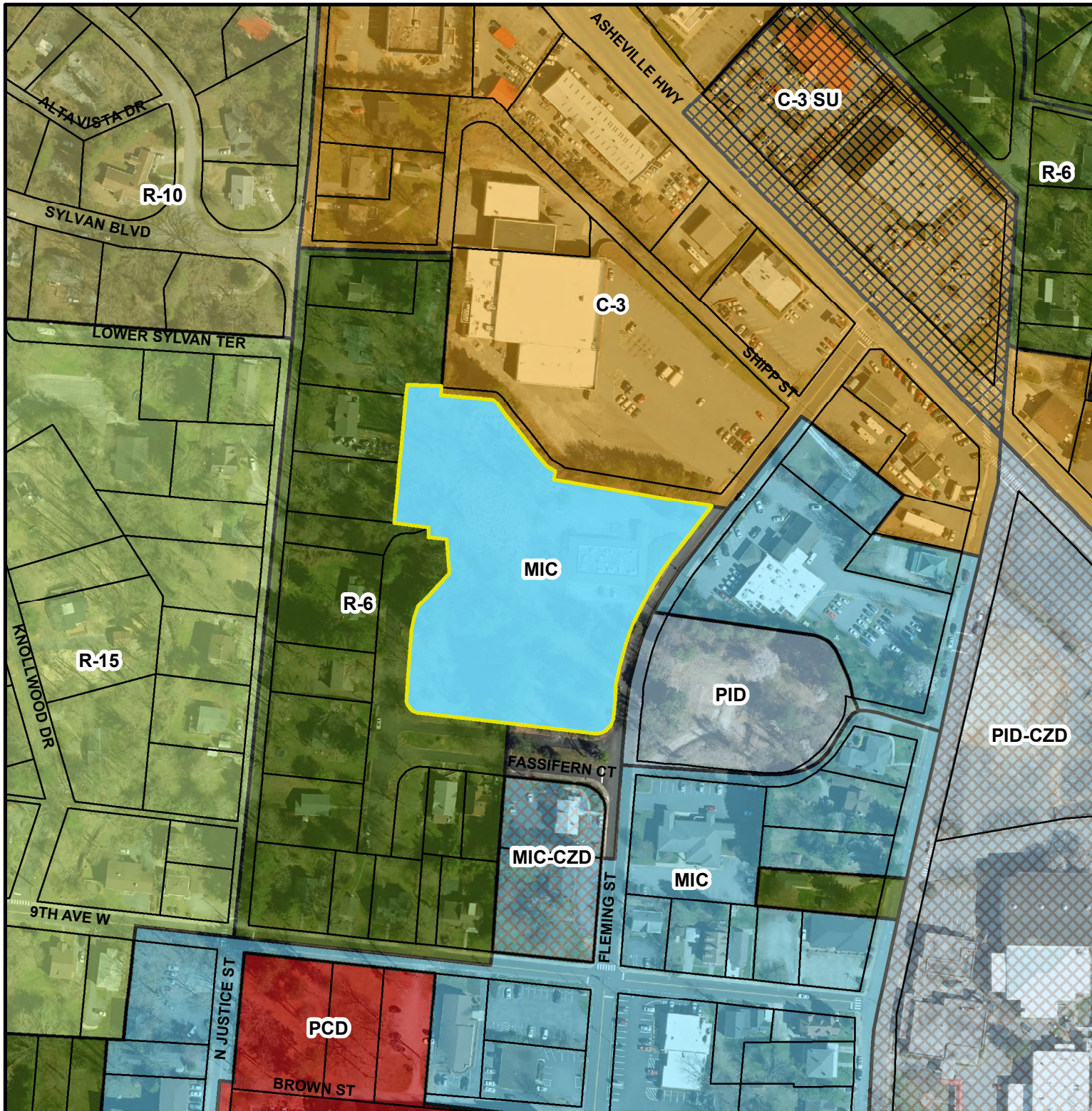
Adopted this tenth day of February 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

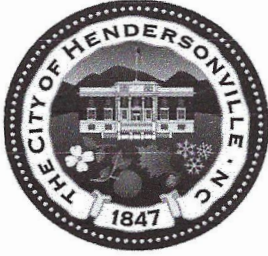
Angela S. Beeker, City Attorney



1027 Fleming Street Rezoning
P21-75-RZO
PINs: 9569-60-2811
Acreage: 3.3
Proposed Zoning
 Community Development Department

- Hendersonville Zoning**
- Subject Property
 - CZD Conditional Zoning Districts
 - R-15 Medium Density Residential
 - R-10 Medium Density Residential
 - R-6 High Density Residential
 - MIC Medical, Institutional, Cultural
 - PID Planned Institutional Development
 - C-3 Highway Business
 - C-3SU Highway Business Special Use
 - PCD Planned Commercial Development





**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

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

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

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

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

A. Property Information

Name of Project: FLEMING STREET REMODEL

PIN(s): 9569602811

Address(es) / Location of Property: 1027 FLEMING ST
HENDERSONVILLE NC

Type of Development: Residential ☒ Commercial ☐ Other

Current Zoning: CZD MIC

Proposed Zoning: REVERT TO PRIOR ZONING / MIC

B. Adjacent Parcel Numbers and Uses

PIN: 9569612123

Use: INBLES GROCERY STORE "SAVE MORE"

PIN: 9569605897

Use: CAROLINA MTN GASTROENTEROLOGY

PIN: 9569601454

Use: PROPOSED COMMERCIAL BLDG

PIN: 9569508891

Use: RESIDENTIAL HOME

PIN: 9569508942

Use: RESIDENTIAL HOME

Office Use:

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

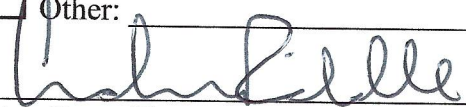
C. Applicant Contact Information

ANDREW RIDDLE
* Printed Applicant Name

RIDDLE DEVELOPMENT, LLC
Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____


Applicant Signature

MANAGING DIRECTOR
Applicant Title (if applicable)

P.O. BOX 1025
Address of Applicant

FLAT ROCK NC 28731
City, State, and Zip Code

828-243-3610
Telephone

Andrew@riddledevelopment.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.

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

* NOY HENSLEY
 *Printed Owner Name

HUNTING CREEK ASSOCIATES, LLC
 Printed Company Name (if applicable)

☐ Corporation

☒ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other:

* Noy Hensley
 Property Owner Signature

CFO
 Property Owner Title (if applicable)

P.O. Box 583 MORGANTON NC 28680
 City, State, and Zip Code

* (828) 437-8000
 Telephone

* AHENSLEY@FULENWIDER.NET
 Email

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

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

Note: Additional Owner Signature pages attached.

D. Section 11-1 Standards

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

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

NO CHANGE TO EXISTING CONSISTENCY. HOWEVER,
ALLOW THE EXISTING MEDICAL BUILDING OPERATE
AS IS & REVERT THE REMAINING $\frac{1}{2}$ +/- 2.3
ACRES TO THE ZONING OF WHICH IT WAS
PRIOR TO THE ~~2015 CZA~~ 2005 CZD
APPROVED SITEPLAN.

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

NO CHANGE TO SURROUNDING USES

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

SEPERATE ONE ACRE W/ EXISTING
MEDICAL BLDG FROM THE 3.3 ACRES
UPON WHICH IT SF SITS.

- d) **Public Interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning)

RIDDLE DEVELOPMENT WILL REMODEL &
IMPROVE THE EXISTING MEDICAL BUILDING
& PROVIDE CLASS A LEASE SPACE TO
A GROWING MEDICAL COMMUNITY.

- e) **Public Facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

EXISTING FACILITIES WILL BE USED W/ OUT
NEED FOR EXPANSION.

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

NO CHANGE IN NATURAL ENVIRONMENT.



LIMITED LIABILITY COMPANY ANNUAL REPORT

Section 5, Item A.

NAME OF LIMITED LIABILITY COMPANY: Hunting Creek Associates, LLC

SECRETARY OF STATE ID NUMBER: 0577923 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2021

Filing Office Use Only

**E - Filed Annual
Report**
0577923

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Ramsey, H Vaughn

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

100 N Greene St Ste 600 100 N Greene St Ste 600
Greensboro, NC 27401-2546 Guilford County Greensboro, NC 27401-2546

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Investments Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 437-8000 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
104 Mull St 104 Mull St
Morganton, NC 28655-3315 Morganton, NC 28655-3315

6. Select one of the following if applicable. (Optional see instructions)

- ☐ The company is a veteran-owned small business
☐ The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>W Gresham Orrison</u>	NAME: <u>Noy Hensley</u>	NAME: _____
TITLE: <u>Member</u>	TITLE: <u>Chief Financial Officer</u>	TITLE: _____
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
<u>601 Terrace Place</u>	<u>104 Mull Street</u>	_____
<u>Morganton, NC 28655</u>	<u>Morganton, NC 28655</u>	_____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Noy Hensley 4/1/2021
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

Noy Hensley Chief Financial Officer
Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

210199043

ARTICLES OF ORGANIZATION
Limited Liability Company
(Conversion of Business Entity)

Pursuant to §57C-9A-01 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company pursuant to a conversion of another business entity.

1. The name of the limited liability company is HUNTING CREEK ASSOCIATES, LLC.
2. The limited liability company is being formed pursuant to a conversion of another business entity which is named HUNTING CREEK ASSOCIATES and whose organization and internal affairs are governed by the state of North Carolina.
3. The converting business entity is a domestic partnership.
4. A plan of conversion has been approved by the partnership as required by law.
5. There shall be no limit on the duration of the limited liability company.
6. The name and address of each organizer executing these articles of organization is as follows:

H. Vaughn Ramsey
PO Box 2888
Greensboro, NC 27402
7. The street address and county of the initial registered office of the limited liability company is:

228 West Market Street
Guilford County
Greensboro, NC 27401
8. The mailing address of the initial registered office is:

PO Box 2888
Greensboro, NC 27402
9. The name of the initial registered agent is H. Vaughn Ramsey.
10. This shall be a Member-managed LLC: all members by virtue of their status as members shall be managers of this limited liability company.

11. The names and addresses of the initial Members of the limited liability company are:

Charles M. Fulenwider
Post Office Box 1358
Morganton, NC 28680

Gresham Orrison
Post Office Box 1358
Morganton, NC 28680

11. These articles will be effective upon filing.

This is the 17th day of January, 2001



H. VAUGHN RAMSEY, ORGANIZER

E:\Asby\Hunting Creek Associates, LLP\Art-Orig Conversion-Hunting Creek.doc

SUMMARY:

Directed on separate occasions by the City Council and Planning Board to explore the work of the International Dark Sky Association and the concept of Dark Sky compliance in the context of Conditional Zoning Districts, the Planning Board established a sub-committee to further explore the potential parameters of a new Lighting Ordinance. The committee began with a review of the Model Lighting Ordinance which was the result of a collaborative effort on the part of the Illuminating Engineering Society and the International Dark Sky Association to create an adoptable ordinance based on the overarching goal of lighting that protects the night.

The Lighting Committee has met on numerous occasions to consider the MLO and how it would work within the City of Hendersonville. The concept of Dark Sky Lighting and an earlier draft of a City of Hendersonville specific version of the Lighting Ordinance were also reviewed by the Business Advisory Committee of the City of Hendersonville.

Following these early and initial reviews of the draft ordinance, staff conducted a review targeting opportunities for simplification and alignment with existing standards established within the Zoning Ordinance. A major theme in staff review was to avoid creating a new process within the Planning Department, but rather to create an ordinance which, while creating a new standard within the ordinance, would be applied within the context of the existing review processes. A primary component of this effort was aligning the Lighting Ordinance and its requirements with the standards established in the Zoning Ordinance for Site Plan review and non-conformities.

The Lighting Sub-Committee and Business Advisory Committee will review this ordinance prior to the Planning Board meeting. Staff will plan to include that feedback and recommendations in the Board presentation.

PROJECT/PETITIONER NUMBER:	P21-25-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<div><div>1. Staff Report</div><div>2. Draft Ordinance</div><div>3. Lighting Committee Minutes</div><div>4. Business Advisory Committee Minutes</div></div>

Addition of Article 19, Lighting Standards to the City of Hendersonville Zoning Ordinance (P21-25-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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SUMMARY OF TEXT AMENDMENT

Directed on separate occasions by the City Council and Planning Board to explore the work of the International Dark Sky Association and the concept of Dark Sky compliance in the context of Conditional Zoning Districts, the Planning Board established a sub-committee to further explore the potential parameters of a new Lighting Ordinance. The committee began with a review of the Model Lighting Ordinance which was the result of a collaborative effort on the part of the Illuminating Engineering Society and the International Dark Sky Association to create an adoptable ordinance based on the overarching goal of lighting that protects the night.

The Lighting Committee has met on numerous occasions to consider the MLO and how it would work within the City of Hendersonville. The concept of Dark Sky Lighting and an earlier draft of a City of Hendersonville specific version of the Lighting Ordinance were also reviewed by the Business Advisory Committee of the City of Hendersonville.

Following these early and initial reviews of the draft ordinance, staff conducted a review targeting opportunities for simplification and alignment with existing standards established within the Zoning Ordinance. A major theme in staff review was to avoid creating a new process within the Planning Department, but rather to create an ordinance which, while creating a new standard within the ordinance, would be applied within the context of the existing review processes. A primary component of this effort was aligning the Lighting Ordinance and its requirements with the standards established in the Zoning Ordinance for Site Plan review and non-conformities.

The Lighting Sub-Committee and Business Advisory Committee will review this ordinance prior to the Planning Board meeting. Staff will plan to include that feedback and recommendations in the Board presentation.

The primary components of the Ordinance are a set of standards for site lighting designed to minimize Offsite Impacts. Specifically, the ordinance applies "Total Site Lumens Limits" to site plans based on the initial lumens' rating of proposed on-site lighting as a factor of either total parking spaces or total hardscape on-site.. Furthermore, it establishes allowable BUG ratings for proposed lighting based on location of lighting on-site and associated lighting zones Other notable sections of the ordinance include allowances for Special Uses and standards or thresholds for bringing non-conforming lighting into compliance with the standards of the ordinance.

COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT AND STATEMENT:

The Comprehensive Plan does not specifically address lighting standards in a targeted way. It does however discuss the protection of natural resources and the promotion of compatible redevelopment and infill development as important overarching themes in the creation of the goals and strategies of the 2030 Comprehensive Plan.

Infill Development

Chapter 8 Land Use and Development provides broad general support for efforts to develop “site development practices that maximize energy and water efficiency and respect the natural features on a site.”

Strategy LU-3.5: Minimize negative impacts from growth and land use changes on existing land uses.

Strategy LU-3.6: Update the Zoning Code to ensure conformance with the Comprehensive Plan. This includes “...necessary changes, including but not limited to:...Landscaping and urban design guidelines and standards.”

Chapter 3 Natural Resources provides specific support for “additional guidelines and provisions for low-impact building and site design.”

Strategy NR-1.2: Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat. Action NR-1.2.2 Continue to enforce and improve upon the City Stream Buffer Protection Standards...additional guidelines and provisions for low-impact building and site design.

CONSISTENCY STATEMENT:

The proposed zoning text amendment for the “Addition of Article 19 Lighting Standards (P21-25-ZTA)” is consistent with Comprehensive Plan because it:

- 1) Encourages compatible redevelopment and infill development by reducing the potential negative impacts of these projects on existing development and on natural resources.

REASONABLENESS STATEMENT:

The text amendment is reasonable and in the public’s interest because:

- 1) It protects natural resources within the City.
- 2) It promotes compatible redevelopment and infill within the City.
- 3) It reflects adaptation by the City to changes in development intensity and density.

PUBLIC COMMENT:

The proposed text amendment has been reviewed in several public meetings including a sub-committee of the Planning Board, the Business Advisory Committee and the Planning Board. The Planning Board will host a public hearing on the text amendment at their January 10th, 2022 regular meeting.

Applicable Minutes:

April 8th, April 12th, April 26th, May 10th, May 20th, May 24th (all 2021) and January 4th, 2022

June 22nd and July 12th Business Advisory Committee

December Planning Board Presentation: differences between MLO and staff recommended changes reviewed (no Board discussion)

PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Recommendations

TBD

ATTACHMENTS:

Lighting Committee Minutes

June & July Business Advisory Committee Minutes

Ordinance # ____ - ____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADD
ARTICLE 19 – LIGHTING STANDARDS; TO THE CITY OF HENDERSONVILLE ZONING
ORDINANCE TO REGULATE THE INSTALLATION OF ON-SITE LIGHTING IN
CERTAIN ZONING DISTRICTS WITHIN THE CITY OF HENDERSONVILLE.**

WHEREAS, the City of Hendersonville’s Planning Board has reviewed and recommended for adoption a zoning text amendment to create Article 19 - Lighting Standards for certain zoning districts as identified within the City of Hendersonville; and

WHEREAS, the proposed amendment is intended to encourage compatible redevelopment and infill development by reducing the potential negative impacts of these projects on existing development and on natural resources; and

WHEREAS, City Council desires to minimize adverse offsite impacts of lighting such as light trespass and obtrusive light, curtail light pollution, reduce skyglow, improve the nighttime environment, help protect the natural environment from the adverse effects of artificial lighting at night and conserve energy and resources to the greatest extent possible.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 12 – Definition of Terms of the Zoning Ordinance of the City of Hendersonville be amended to add the following definitions and that Article 19 – Lighting Standards be added in its entirety:

ARTICLE XIX LIGHTING STANDARDS

19-1 Purpose. The purpose of this Ordinance is as follows:

- A) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
- B) Curtail light pollution, reduce skyglow and improve the nighttime environment.
- C) Help protect the natural environment from the adverse effects of artificial lighting at night.
- D) Conserve energy and resources to the greatest extent possible.

19-2 Lighting Zones. The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

- A) **Natural Resource Zone (NRZ):** Areas where the natural environment will be adversely affected by lighting. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.
 - i) **Parcels within 50’ of an un-piped Blue Line Stream on the most recent USGS seven-and-one-half minute quadrangle topographic maps and;**
 - ii) **Parcels with elevations above 2,300’.**

- B) Residential Transition Zone (RTZ):** Areas where commercial and residential zoning districts abut, which require additional standards to minimize the adverse offsite impact of lighting such as light trespass, and obtrusive light.
- i) 50' from the edge of any parcel within the Commercial & Multi-Family Zone as established below which abuts parcels in R-40, R-40 CZD, R-20, R-20 CZD, R-15, R-15 CZD, R-10, R10-CZD, R-6, R-6 CZD, PMH
- C) Commercial & Multi-Family Zone (CMFZ):** Areas where human activity requires lighting generally designed for safety, security and/or convenience. Lighting is often uniform and continuous. Lighting may be extinguished or reduced in most areas as activity levels decline.
- i) Application of Ordinance is associated with the following Zoning Districts; I-1, I-1 CZD, UV, C-1, C-1 CZD, C-2, C-2 CZD, C-3, C-3 CZD PMD, PCD, C-4, C-4 CZD, PRD, CMU, CMU CZD, HMU, HMU CZD, GHMU, GHMU CZD, CHMU, CHMU CZD, UR, RCT, RCT CZD, PID, MIC, MIC CZD

19-3 General Requirements.

A) Conformance with All Applicable Codes

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B) Applicability

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

- i) **Exemptions from 19-3 (B)** The following are not regulated by this Ordinance:
- (1) Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
 - (2) Lighting for public monuments and statuary.
 - (3) Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
 - (4) Repairs to existing luminaires not exceeding 25% of total installed luminaires on an annual basis.
 - (5) Temporary lighting for theatrical, television, performance areas and construction sites;
 - (6) Underwater lighting in swimming pools and other water features
 - (7) Temporary lighting and seasonal lighting.
 - (8) Lighting that is only used under emergency conditions.

(9) Low voltage landscape lighting.

ii) Exceptions to 19-3 (B) All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

(a) Lighting specified or identified in a specific use permit.

(b) Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C) Lighting Control Requirements

i) Automatic Switching Requirements

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

(a) Exceptions

(i) Automatic lighting controls are not required for the following:

1. Lighting under canopies.
2. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

19-4 Lighting Standards. For all commercial properties, and for residential properties of nine dwellings or more (single family or multi-family) and having common outdoor areas, all outdoor lighting shall comply with Part A of this section.

A) An outdoor lighting installation complies with this section if it meets the requirements of subsections (1) and (2), below.

(1) Total Site Lumen Limit

- (a) The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.
- (b) The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires

<u>Table A</u>		
<u>Natural Resource Zone (NRZ)</u>	<u>Residential Transition Zone (RTZ)</u>	<u>Commercial & Multi-Family Zone (CMFZ)</u>

<u>350</u> <u>lumens per parking space</u>	<u>840</u> <u>lumens per parking space</u>	<u>840</u> <u>lumens per parking space</u>
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<u>Table B</u>		
<u>Natural Resource Zone (NRZ)</u>	<u>Residential Transition Zone (RTZ)</u>	<u>Commercial & Multi-Family Zone (CMFZ)</u>
<u>Base Allowance</u>		
<u>0.5 lumensper SF of Hardscape</u>	<u>5.0 lumensper SF of Hardscape</u>	<u>5.0 lumensper SF of Hardscape</u>

(2) **Limits to Off Site Impacts.**

(a) All luminaires shall be rated and installed according to Table C.

<u>TABLE C-1</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Allowed Backlight Rating*</u>			
<u>Greater than 2 mounting heights from property line</u>	<u>B1</u>	<u>B4</u>	<u>B5</u>
<u>1 to less than 2 mounting heights from property line and ideally oriented**</u>	<u>B1</u>	<u>B3</u>	<u>B4</u>
<u>0.5 to 1 mounting heights from property line and ideally oriented**</u>	<u>B0</u>	<u>B2</u>	<u>B3</u>
<u>Less than 0.5 mounting height to property line and ideally oriented**</u>	<u>B0</u>	<u>B0</u>	<u>B1</u>

<u>TABLE C-2</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Allowed Uplight Rating</u>	<u>U0</u>	<u>U2</u>	<u>U3</u>
<u>Allowed % light emission above 90 degree for street or area lighting</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>

<u>TABLE C-3</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
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<u>Allowed Glare Rating*</u>	<u>G0</u>	<u>G2</u>	<u>G3</u>
<u>Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G1</u>
<u>Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G1</u>
<u>Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G0</u>

(3) Light Shielding for Parking Lot Illumination

- (a) All parking lot lighting shall have no light emitted above 90 degrees.

(4) Exception

- (a) Ornamental parking lighting shall be permitted by special permit only and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Uplight, and Table C-3 for Glare, without the need for external field-added modifications.

* For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

19-6 Lighting by Special Permit Only.

A) High Intensity and Special Purpose Lighting

- i) The following lighting systems are prohibited from being installed or used except by special use permit:
- (1) Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
 - (2) Aerial Lasers.
 - (3) Searchlights.
 - (4) Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

B) Complex and Non-Conforming Uses

- i) Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:
 - (1) Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
 - (2) Construction lighting.
 - (3) Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
 - (4) Parking structures.
 - (5) Urban parks
 - (6) Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
 - (7) Theme and amusement parks.
 - (8) Correctional facilities.
- ii) To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:
 - (1) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by a photometric plan.
 - (2) Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit, if possible.
 - (3) Complies with the standards of this ordinance after Curfew.
- iii) The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass

19-6 Existing Lighting. Lighting installed prior to the effective date of this ordinance shall comply with the following:

A) Nonconforming Lighting

- i) Lighting not permitted in the light zone classification in which it is located shall be considered non-conforming and may continue to be used only in accordance with the provisions of this section.
- ii) Any new lighting shall meet the requirements of this ordinance
- iii) Normal repair and maintenance may be performed to allow the continuation of nonconforming lighting existing as of the effective date of this ordinance, provided that any modification or replacement of existing fixtures does not exceed 25% of total site fixtures during any 12-month period.
- iv) Minor repairs to and routine maintenance of land, buildings, structures, or other development of land where nonconforming lighting is utilized is permitted, provided the cost of such repairs and maintenance within any 12-month period does not exceed 10% of the current assessed taxable value of the land (including parking areas), buildings, and structures. When repairs exceed 10% of the current assessed taxable value of the land (including parking areas), building, and structures, all nonconforming lighting must be brought into compliance with the provisions of this Ordinance.
- v) A site with non-conforming lighting may be expanded, without bringing the nonconforming lighting into conformity with these regulations, only if the area of the expansion does not exceed a 50% increase in the pre-expansion floor area or paved surface, either with a single addition/expansion or with cumulative additions after the effective date of this Ordinance and the area of lot/parcel/site into

which the expansion is taking place are both brought into conformity with the requirements of this ordinance. Expansions or additions exceeding 50%

shall require the entire property/development to be brought into conformance with this Ordinance.

- vi) Structures on a site with non-conforming lighting may be renovated without bringing the non-conforming lighting into compliance provided that the total cost of renovations do not exceed 50% of the assessed value of the building according to Henderson County tax records
- vii) Where a nonconforming structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50% 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.

19-7 Enforcement and Penalties.

- 1) Reserved

19-9 Tables.

- 1) Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>350</u> <u>lms/space</u>	<u>840</u> <u>lms/space</u>	<u>840</u> <u>lms/space</u>

- 2) Table B - Allowed Total Initial Lumens per Site for Non- residential Outdoor Lighting, Hardscape Area Method

- a) May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Base Allowance</u>		
<u>0.5 lumensper SF of</u> <u>Hardscape</u>	<u>5.0 lumensper SF of</u> <u>Hardscape</u>	<u>5.0 lumensper SF of</u> <u>Hardscape</u>

- 3) Table B - Lumen Allowances, in Addition to Base Allowance

	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Additional allowances for sales and service facilities.</u> <u>No more than two additional allowances per site.</u>			

Outdoor Sales Lots. This allowance is lumens per square foot of un-covered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	<u>0</u>	<u>8</u> <u>lumens per</u> <u>squarefoot</u>	<u>16</u> <u>lumens per</u> <u>squarefoot</u>
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	<u>0</u>	<u>1,000</u> <u>perLF</u>	<u>1,500</u> <u>perLF</u>
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	<u>0</u>	<u>2,000</u> <u>lumens per drive-up</u> <u>window</u>	<u>8,000</u> <u>lumens per drive-up</u> <u>window</u>
Vehicle Service Station. This allowance is lumens per installed fuel pump.	<u>0</u>	<u>4,000</u> <u>lumens per pump</u> <u>(based on 5 fchoriz)</u>	<u>16,000</u> <u>lumens per pump</u> <u>(based on 10 fchoriz)</u>

4) Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

- a) May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

<u>TABLE C-1</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Allowed Backlight Rating*</u>			
<u>Greater than 2 mounting heights from property line</u>	<u>B1</u>	<u>B4</u>	<u>B5</u>
<u>1 to less than 2 mounting heights from property line and ideally oriented**</u>	<u>B1</u>	<u>B3</u>	<u>B4</u>
<u>0.5 to 1 mounting heights from property line and ideally oriented**</u>	<u>B0</u>	<u>B2</u>	<u>B3</u>

<u>Less than 0.5 mounting height to property line and ideally oriented**</u>	<u>B0</u>	<u>B0</u>	<u>B1</u>
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5) Table C - 2 Maximum Allowable Uplight (BUG) Ratings – Continued

<u>TABLE C-2</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Allowed Uplight Rating</u>	<u>U0</u>	<u>U2</u>	<u>U3</u>
<u>Allowed % light emission above 90 degree for street or area lighting</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>

6) Table C - 3 Maximum Allowable Glare (BUG) Ratings – Continued

<u>TABLE C-3</u>	<u>NRZ</u>	<u>RTZ</u>	<u>CMFZ</u>
<u>Allowed Glare Rating*</u>	<u>G0</u>	<u>G2</u>	<u>G3</u>
<u>Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G1</u>
<u>Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G1</u>
<u>Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern</u>	<u>G0</u>	<u>G0</u>	<u>G0</u>

* For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

ARTICLE XII DEFINITION OF TERMS

<i>Absolute Photometry</i>	Photometric measurements (usually of a solid-state luminaire) that directly measure the footprint of the luminaire. Reference Standard IES LM-79
<i>Architectural Lighting</i>	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.
<i>Authority</i>	The adopting municipality, agency or other governing body.
<i>Astronomic Time Switch</i>	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
<i>Backlight</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
<i>BUG</i>	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
<i>Canopy</i>	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
<i>Common Outdoor Areas</i>	One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
<i>Curfew</i>	A time defined by the authority when outdoor lighting is reduced or extinguished.
<i>Emergency conditions</i>	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
<i>Footcandle</i>	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
<i>Forward Light</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.

<i>Fully Shielded Luminaire</i>	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or re- fraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
<i>Glare</i>	Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
<i>Hardscape</i>	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
<i>Hardscape Area</i>	The area measured in square feet of all hard- scape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.
<i>Hardscape Perimeter</i>	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.
<i>IDA</i>	International Dark-Sky Association.
<i>IESNA</i>	Illuminating Engineering Society of North America.
<i>Impervious Material</i>	Sealed to severely restrict water entry and movement
<i>Industry Standard Lighting Software</i>	Lighting software that calculates point-by- point illuminance that includes reflected light using either ray-tracing or radiosity methods.
<i>Lamp</i>	A generic term for a source of optical radia- tion (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluor- escent, high- intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
<i>Landscape Lighting</i>	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
<i>LED</i>	Light Emitting Diode.
<i>Light Pollution</i>	Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky- glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

<i>Light Trespass</i>	Light that falls beyond the property it is intended to illuminate.
<i>Lighting</i>	“Electric” or “man-made” or “artificial” lighting. See “lighting equipment”.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Lighting Zone</i>	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Low Voltage Landscape Lighting</i>	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
<i>Lumen</i>	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
<i>Luminaire</i>	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
<i>Luminaire Lumens</i>	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
<i>Lux</i>	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
<i>Mounting height</i>	The height of the photometric center of a luminaire above grade level.
<i>New lighting</i>	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.

<i>Object</i>	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
<i>Object Height</i>	The highest point of an entity, but shall not include antennas or similar structures.
<i>Ornamental lighting</i>	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or land- scaping, and installed for aesthetic effect.
<i>Ornamental Street Lighting</i>	<p>A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the follow- ing design characteristics:</p> <ul style="list-style-type: none"> · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.
<i>Outdoor Lighting</i>	Lighting equipment installed within the prop- erty line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
<i>Partly shielded luminaire</i>	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.
<i>Pedestrian Hardscape</i>	Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.
<i>Photoelectric Switch</i>	A control device employing a photocell or photodiode to detect daylight and automatical- ly switch lights off when sufficient daylight is available.
<i>Property line</i>	The edges of the legally-defined extent of privately owned property.
<i>Property line of concern</i>	The nearest property line to a light fixture
<i>Relative photometry</i>	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
<i>Repair(s)</i>	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on- going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. “Repair” does not include normal relamping or replacement of components including capacitor, ballast or photocell.

<i>Replacement Lighting</i>	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
<i>Sales area</i>	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
<i>Seasonal lighting</i>	Temporary lighting installed and operated in connection with holidays or traditions.
<i>Shielded Directional Luminaire</i>	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
<i>Sign</i>	Advertising, directional or other outdoor promotional display of art, words and/or pictures.
<i>Sky Glow</i>	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky
<i>Temporary lighting</i>	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
<i>Third Party</i>	A party contracted to provide lighting, such as a utility company.
<i>Time Switch</i>	An automatic lighting control device that switches lights according to time of day.
<i>Translucent</i>	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
<i>Unshielded Luminaire</i>	A luminaire capable of emitting light in any direction including downwards.
<i>Uplight</i>	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
<i>Vertical Illuminance</i>	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of January 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

AGENDA

CITY OF HENDERSONVILLE PLANNING BOARD MEETING Dark Sky Committee

100 N King St & Zoom

**Thursday, April 8, 2021
3:00 P.M.**

- I. Call to Order**
- II. Selection of Chairperson**
- III. Discussion of Meeting Schedule**
 - a. Meet at 3pm Prior to Planning Board**
 - b. Meet two weeks after Planning Board at 3pm**
- IV. Review of Model Ordinances**
- V. Adjournment**

Meeting Minutes
City Of Hendersonville
Planning Board, Dark Sky Committee

Monday, April 12, 2021

The initial meeting of the City's Planning Board, Dark Sky Committee, was convened at approximately 3:03 pm. by Chairman Neil Brown. Also in physical attendance were City Planners Matt Manley and Tyler Morrow, and City Planning Board Chairman Jim Robertson. Joining virtually were City Historic Preservation Commission member Ralph Hammond-Green, and City resident Ken Fitch.

Mr. Manley extended an invitation to attendees Hammond-Green and Fitch to become formal members of the Committee. Mr. Hammond-Green accepted, while Mr. Fitch declined and deferred to the experience and expertise of Mr. Hammond-Green.

Mr. Manley proposed that the Committee goals be amended to focus today on becoming comfortable with the nuances of the Model Lighting Ordinance (MLO). Then, following meetings could be spent addressing specific ordinances adopted by various municipalities for positive and negative aspects vs. this MLO. No objections were voiced.

Mr. Manley then started a review of the MLO. For Section 6-19-2, Lighting Zones, Mr. Robertson asked how many zoning districts the City has. Mr. Manley replied "...30 or 40.". Mr. Robertson noted that would mean that multiple City zoning districts could fall under any of the five listed Lighting Zones from the MLO.

The list of potential exemptions, included in Section 6-19-3, was noted.

For Section 6-19-4, Non-Residential Lighting, Mr. Manley noted that some threshold will need to be decided to define the number of domiciles in a multiple residential property that will trigger conformance with the ordinance. The MLO lists seven units, which current City zoning uses nine (the level at which a proposal needs to go to the Planning Board). Mr. Hammond-Green said that the easiest solution is to refer to the general zoning code for the City.

(the next four paragraphs group discussion points primarily by topic, and do not necessarily reflect the exact order of questions or comments)

Mr. Manley then led an examination of MLO Section 6-19-4 and its two methods of quantifying an application's compliance under the ordinance. Options are the Prescriptive Method (maximum lumens are a function of either the number of parking spaces or the total hardscape area) and the Performance Method (total installed lumens per the site plan). Attention then turned to Tables LZ-0 to LZ-4 in the MLO. Mr. Robertson asked how compliance with the latter could be monitored. Per Mr. Manley, that would be per the submitted site plan. Mr. Robertson noted that the site plan does not preclude the lighting fixtures being swapped out after-the-fact for more intense lighting, in conflict with the ordinance. Mr. Manley noted that such compliance is complaint-based, as the City has neither the resources nor desire to be checking randomly with photometers after dark.

Mr. Hammond-Green asked how the tables in the MLO compare with street lighting restrictions in the City. He also noted that, under the Prescriptive Method, a light fixture at the edge of a property could cast light out at a 90 degree angle, disturbing the neighbor. This would fit the letter, but not the spirit,

of the ordinance.

Mr. Manley noted that the Prescriptive Method applies only to sites with a maximum of 10 parking spaces, or any area of hardscape.

There was some discussion of the BUG calculation (Backlight/Uplight/Glare) as part of the light distribution analysis in Table C of the MLO. After several minutes, the Committee concluded that it needed to undertake more research on exactly what the differences in BUG ratings were, and their implications.

A quick look was taken at Table G in the MLO, referencing residential lighting. Mr. Manley stated that the Committee will need to decide if residential lighting is something that should be regulated, and what would trigger having to come into compliance.

For the next meeting on April 26, the Committee agreed to read the MLO summary again, research the various BUG meanings (City staff), and come prepared to look at lighting ordinances in other jurisdictions.

The meeting was adjourned at 3:52 p.m.

Respectfully submitted,

Neil Brown

Meeting Minutes
City Of Hendersonville
Planning Board, Dark Sky Committee

Monday, April 26, 2021

The third meeting of the City's Planning Board, Dark Sky Committee, was convened at approximately 3:01 pm. by Chairman Neil Brown. Those in attendance at this virtual-only meeting were City Planners Matt Manley, Lew Holloway and Tyler Morrow, City Planning Board member Tamara Peacock, and City resident Ken Fitch. Planning Board member Hunter Jones joined the meeting after its inception.

Mr. Brown started with a summary of what he hoped to accomplish at the next few meetings of this committee:

Today: Debate features of what we collectively want to see in a Dark Sky ordinance

May 10: A short meeting because of the Planning Board meeting at 4:00. Hope to have City staff ready with a prototype zoning ordinance to discuss

May 24: Committee agreed on prototype ordinance

May 26: Ordinance presentation to City Council

June 14: Consideration of ordinance by Planning Board

Mr. Manley referred the attendees to the comparison of dark sky ordinances adopted by other municipalities (“matrix”), and requested input as to additional comparison columns which could be added. Three were suggested: Date of Ordinance Adoption, treatment of Skylights, and treatment of Historic Districts.

Mr. Morrow initiated an overview of the BUG concept. He obtained a 4-page addendum from the IESNA (note – promised to forward said addendum to Committee members) and focused on tables C-1 and page 27 of the MLO. He described why the BUG system is a better approach than the old system of “full cutoff, half cutoff, etc.”, and that the gradations of BO-1 through BO-5 were just an attempt by an independent body to set a standard.

Ms Peacock asked if this Committee could make the application/approach simpler for developers and homeowners. Mr. Morrow replied that the approach to lighting would be similar to that for stormwater, insofar as the real examination for compliance isn't performed until the final site plan is submitted to the City.

Mr. Manley advised that this group needs to consider and prioritize what it wants to accomplish via any proposed ordinance, to wit:

- effectiveness
- ease of use
- metrics (e.g. full-cutoff vs. BUG)
- how often to revisit (Blanco, TX, admitted in its preamble that its previous approach to dark

skies regulation was a failure)

Mr. Fitch asked is an easier approach might be to include the specifications in an appendix to the ordinance, which might be easier to change as technology advances.

Ms. Peacock advocated for a “maximum lumens per acre” approach to setting standards, adjusted for the specific zone. She cannot agree to a long ordinance which spells out requirements in minute detail and makes it hard to understand and administer.

Mr. Manley replied that it might be best to make residential zones simple, as the greatest impact of any ordinance will be on commercial zones, along with parking lots and streetlights.

Mr. Brown offered to draft an appropriate ordinance for the Committee as a way of moving from general discussion to specifics. Mr. Holloway replied that this was more the province of City staff, as they had more intimate knowledge of how to craft a defensible ordinance. He suggested that our job was to give the parameters to City staff, and let them craft the details.

Mr. Manley suggested that we use the MLO as a stand-alone starting point, and authorize he and Tyler to streamline it while integrating it with current zoning and special cases, trying for a best-fit with current code. This approach seemed satisfactory to all.

Mr. Fitch advised us to be aware of how any change engages with the public, and inquired if a zoning approach vs. a uses approach might be better. Mr. Manley replied that the uses approach might play out better, but that the zones approach is easier to administer.

Mr. Fitch asked:

- what will be the economic burden to developers and homeowners?
- What are the current transportation corridors?

For the next meeting, we collectively agreed on the following:

- Mr. Morrow and Mr. Manley will craft a first draft of a lighting zone ordinance, using the MLO as a base
- Ms. Peacock, Mr. Hammond-Green, and the author will attempt to find useful analyses if any incremental costs involved with dark skies compliance.
- The May 10 meeting will include an examination of streetlights, public vs. private lighting, and NCDOT requirements.

The meeting was adjourned at 4:12 p.m.

Respectfully submitted,

Neil Brown

Meeting Minutes
City Of Hendersonville
Planning Board, Lighting/Dark Sky Ordinance Committee

Monday, May 10, 2021

The fourth meeting of the City's Planning Board, Lighting/Dark Sky Ordinance Committee, was convened at approximately 3:03 pm. by Chairman Neil Brown. Those in attendance physically were City Planners Matt Manley and Tyler Morrow, City Planning Board Chair Jim Robertson, and Community Planning Director Lew Holloway. Virtual attendees were Planniung Board member Tamara Peacock, City Historic Preservation Commission member Ralph Hammond-Green, and City resident Ken Fitch.

The meeting Agenda was approved as submitted. Minutes of the April 26 meeting were approved after being corrected to reflect that Mr. Hammond-Green did not attend the meeting.

Mr. Brown started by commenting on the number of recent conversations City personnel had with various lighting ordinance experts recently, including a professor from Appalachian State University, several individuals instrumental in crafting local ordinances, and a lighting expert from GECurrent. All are more than willing to lend as much help as we desire. An important part of the input was to position any resulting ordinance as a Lighting ordinance. This properly puts the focus on health and environment, and does not unnecessarily focus on the potentially-contentious dark sky appellation.

In addition, this Committee has come to the point where several major issues need to be debated and agreed upon before any useful draft ordinance can be crafted. That is the focus of today's remaining time.

Mr. Morrow then began laying out some of the pending issues which City staff has been investigating:

Lighting Zones - these are easier to define and integrate than land use criteria.

LZ0 - no ambient lighting allowed. Restrictions to **consider**:

- - nothing within 50 feet of a blue line stream
- - also nothing allowed above X feet in elevation. Nothing in the City is above 2600 feet, whereas a 2300 foot restriction would include parts of Stony, Long John, and Mountains. In response to a question, it was noted that the recently-disapproved facility on Signal Hill Rd. is at 2,217 feet.
- nothing within the floodplain. This would have a significant impact, as major floodplain areas (ex. Greenville/Spartanburg intersection environs) are already heavily developed. It is not realistic to expect or mandate that these businesses change their lighting fixtures.
- There is currently a no-build buffer of 30' along blueline streams. Perhaps this could be augmented with an ZL0 zone of 50', for a total buffer of 80'.
- How to sunset/grandfather areas that are currently developed

GIS is working on updated maps reflecting each of these options. Mr. Hammond-Green said we also need to make sure that all lighting in already-developed areas is fully shielded.

LZ1 - Traditional neighborhood zoning, with low ambient lighting districts. Currently, this

would encompass about 50% of the City's area, primarily around the outer perimeters.

LZ2 - Mixed use areas, and transition zones between neighborhoods and commercial districts

LZ3 - heavily commercial districts, such as 4 Seasons, Greenville and Spartanburg Hwys., etc.

LZ4 - very rarely used anywhere. This might be typified by the Las Vegas strip or Times Square. The odds of ever seeing such a zone here are zero.

Various maps were shown to depict each of the options above. On the maps, it was assumed that the LZs would follow Zoning except for waterway buffers. The same maps were forwarded to participants by City staff after the meeting.

The Committee needs to decide how to handle:

- medical facilities of PID and MIC classification, such as Fleming St.
- Entry corridors to the City
- Historic districts, and whether we follow national or local designations.

Mr. Fitch recommended that the presentation to Council on May 26 include photos of current development examples in each proposed LZ.

Mr. Morrow reminded the Committee that it also needs to address:

- streetlights
- exceptions to the light ordinance
- automatic switching requirements
- curfews (for lighting intensity)
- definition of multi-family dwellings (PB currently reviews at 9 or more units)

We returned to the MLO for the following comments:

- the Prescriptive Method can be achieved via the Parking Spaces or Hardscape routes, as a function of the LZ. This incorporates Tables A and B in the MLO, with any offsite impact being addressed by BUG in Table C.
- the Performance Method is for more complex projects, with offsite impact being addressed via BUG in Table A.
- BUG is only used to address offsite impact of lighting
- the MLO Users' Guide, p. 20, shows what standard each type of residential lighting needs to meet

It is obvious that much more discussion is needed to be properly prepared for the Council presentation, so City staff committed to arranging another virtual meeting of the Committee for next week.

The meeting was adjourned at 3:57 p.m.

Respectfully submitted,

Neil Brown

Meeting Minutes
City Of Hendersonville
Planning Board, Lighting/Dark Sky Ordinance Committee

Thursday, May 20, 2021

The fifth meeting of the City's Planning Board, Lighting/Dark Sky Ordinance Committee, convened at approximately 1:03 pm. Those in attendance at the virtual-only meeting were City Planners Matt Manley and Tyler Morrow, City Planning Board members Hunter Jones and Neil Brown, City Community Planning Director Lew Holloway, City Historic Preservation Commission member Ralph Hammond-Green, City resident Ken Fitch, and PARI associate Ken Steiner.

Author's note - in deference to brevity and reader boredom, items which have been covered in detail in past meetings will be included by reference, rather than rehashing the points again here.

Mr. Manley led the group through an overview of the Prescriptive vs. Performance methods of determining compliance with a lighting ordinance. The basic questions to be addressed are: How many lumens are allowed on the site, and are all lumens focused on the site? He also showed an example (Pardee parking lot expansion, approved by the Council this spring).

Mr. Hammond-Green noted that we need to be aware of the emergence of pervious sidewalk and parking lot materials, and make sure these are considered part of the hardscape. Mr. Manley checked and replied that the definition of hardscape includes both, but that site plan requirements will need to be updated.

Mr. Fitch noted that the example used is for a medical facility, which would have special requirements. Mr. Manley replied that the specific instance is for a hospital parking lot, which would not qualify for special requirements.

Returning to the hybrid document that melds the MLO with current City zoning code, the following drew comments:

- Table C shows limits to off-site impacts
- All of the light fixtures developers currently use come with BUG ratings
- Mr. Hammond-Green suggested that all tables and diagrams be designed as appendices to the ordinance
- Mr. Manley concluded that the ordinance is fairly simple, and the current staff can handle it.

Mr. Morrow then led the group through a series of policy questions that need to be addressed before any ordinance can be drafted. After varying levels of debate, the following decisions were made:

1. Historic districts will have no special accommodations. Individual criteria are best handled by the City's design team.
2. LZ0 will not apply to flood plains, nor to floodways. But, it will apply to unpiped blue line streams, with a 50' buffer. Mr. Hammond-Green noted a special need to protect the swampland along Rte. 64.
3. LZ0 will apply to elevations above 2300', and the Committee will consider dropping this to 2200' once GIS maps of the impact are available. Mr. Manley noted that we need to be cautious about the lighting ordinance becoming a backdoor way of restricting

development, but that current high density (LZ2) is not affected by the elevation constraints we are discussing.

4. After MUCH discussion, the Committee voted to addign LZ2 to PID and MIC zones. The primary reason was to provide a transition from these zones to nearby residential, instead of having an abrupt switch from residential to LZ3.

In addition, the following exemptions and triggers for the Ordinance were agreed to, many of which were decided to be in conformance with current zoning code:

1. Repairs and routine maintenance to 25% or more of the number of lumenaries in a given year will require conformity.
2. Upgrades of at least 10% of the taxable value, or at least a 10% increase in dwelling units or parking spaces, will require conformity.
3. Non-use of a site for 180 consecutive days will trigger conformity when the site is brought back into use

In other matters, the Committee agreed:

- multi-family housing is defined as 9 or more units
- the Ordinance will not apply to Historic Districts
- the Ordinance will not apply to single-family Residential zones, as they are not the source of meaningful light pollution compared to the political difficulty of obtaining agreement on including them.
- there will not be a “compliance-by” date in the Ordinance for commercial districts. These districts will come into conformance organically as buildings are build, upgraded, or replaced.
- the Committee will undertake a significant educational campaign regarding the Ordinance

The Committee also decided not to address streetlights at this time, but may consider addressing them “in a few months”. Duke is already in the process of replacing many City streetlights.

Ken Steiner, an associate at PARI, noted that Duke is currently replacing all streetlights in Brevard with fully-shielded lights rated below 3,000 degrees K.

In closing, Mr. Manley noted that there will be a (hopefully) brief virtual meeting of the Committee on Monday, May 24 at 3:00 p.m., with the sole purpose of prepping for the presentation at the City Council workshop at 4:00 p.m. on Wednesday, May 26.

The meeting was adjourned at 3:09 p.m.

Respectfully submitted,

Neil Brown

Meeting Minutes
City Of Hendersonville
Planning Board, Lighting/Dark Sky Ordinance Committee

Monday, May 24, 2021

The sixth meeting of the City's Planning Board, Lighting/Dark Sky Ordinance Committee, convened at approximately 3:03 pm. Those in attendance at the virtual-only meeting were City Planners Matt Manley and Tyler Morrow, City Planning Board members Hunter Jones and Neil Brown, City Historic Preservation Commission member Ralph Hammond-Green, City resident Ken Fitch, Appalachian State Professor Don Caton, and GEcurrent System Manager Gary Steinberg.

Mr. Manley reiterated that the Committee's initial presentation to City Council is scheduled for 4:00 this coming Wednesday.

Discussion ensued regarding the Preamble on the draft MLO. Recommendations and disagreements ranged widely, concluding with Mr. Morrow being charged with modifying it for reconsideration at the next Committee meeting.

Mr. Manley recommended that the Historic District guidelines for the City be amended to require that outdoor lights be pointed downwards. Mr. Steinberg asked if Hendersonville has any such districts, and pointed out that there might be some limited areas where non-compliant lights (e.g. global designs) might be needed.

Updated GIS maps showing the impacts of previously-discussed LZ0 - LZ3 were presented. The elevation maps were updated to show the difference between setting LZ0 at 2300 vs. 2200 feet in elevation. Based on this, the Committee voted to set the altitude limit for LZ0 at 2200 feet.

Discussion then focused on possible compliance dates within the Ordinance. Mr. Steinberg suggested that the typical service life for non-compliant lights will center around 20 years. While this would eliminate non-compliant lights in about 30 years, he noted that there are few such lights currently in the City and suggested that we include a 10-year compliance mandate.

In closing, Mr. Manley stated that the Council presentation will consist of (1) How we got here, (2) What we are trying to do, and (3) Major policy issues. Mr. Caton will lead off before passing the baton to Mr. Manley and Mr. Morrow. In the interim, Mr. Hammond-Green will obtain photos showing various lighting differences and examples locally to graphically demonstrate the issue to Council.

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,

Neil Brown



CITY OF HENDERSONVILLE BUSINESS ADVISORY COMMITTEE SPECIAL CALL MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Tuesday, June 22, 2021 – 12:00 PM

MINUTES

Present: Steve Dozier, Chair, Ken Gordon, Vice Chair, Mike Summey, Beau Waddell, Will Penny, Brittany Brady, Rebecca Waggoner

Absent: Judy Stroud, Cam Boyd, Council Member Dr. Jennifer Hensley

Others Present: Randy Hunter

Staff Present: City Manager John F. Connet, City Clerk Angela Reece, Communications Manager Allison Justus, Senior Budget Analyst Adam Murr, Community Development Director, Lew Holloway, Planning Manager, Matthew Manley, and others

1. CALL TO ORDER

The meeting was called to order at 12:02 p.m.

2. NEW BUSINESS

A. Presentation of Draft Lighting Ordinance – *Matthew Manley, Planning Manager*

Planning Manager, Matthew Manley presented information regarding a proposed zoning text amendment for Dark Sky and said currently there is no way to review, measure or to enforce a specific outcome under the current standards. Mr. Manley stated a Dark Sky Subcommittee of the Planning Board was formed and tasked with comparing various lighting ordinances from regional and national jurisdictions and said they have utilized the Model Lighting Ordinance (MLO) created by the Illuminating Engineering Society in conjunction with the International Dark Sky Association as the basis for proposed lighting ordinance and tailored it to fit the needs of the City of Hendersonville. He provided Light to Protect the Night – five principles for responsible outdoor lighting information and encouraged everyone to visit darksky.org to obtain more information. Mr. Manley discussed creation of lighting zones stating the Committee considered the nature of zoning and development within the zones to make recommendations which correlate with different lumens allowed in each zone.

Planning Manager, Matthew Manley also discussed Backlight, Up-light, Glare (BUG) ratings explaining the ratings were developed by the Illuminating Engineering Society in conjunction with the International Dark Sky Association and are used to calculate the light escaping in unwanted directions from an outdoor light fixture. Mr. Manley stated BUG ratings serve as a measurement tool to determine the appropriate commercial outdoor lighting for certain applications. Mr. Manley stated the Committee recommended ratings based on these standards and noted that every lighting fixture has a BUG rating so it is additional information a developer would not have to supply.

Business Advisory Board Chairman, Steve Dozier inquired regarding the rationale for comparison with Buncombe County and Mr. Manley said the subcommittee selected nearby municipalities who had lighting ordinances implemented as comparison.

Chairman Dozier inquired regarding amortization and grandfathering clauses for lighting conformance. Mr. Manley stated there is an option to have an amortization date and said this was not recommended by the Committee due to it being problematic with enforcement but said another recommendation was to add conformance triggers where nonconforming lighting would have to come into compliance based on specific standards as stipulated in the proposed ordinance.

Committee Member Brittany Brady inquired if representatives for the hospital project were consulted regarding costs for conformance of lighting and Mr. Manley stated the site plan has been approved. Mr. Manley clarified that the hospital used fixtures which conformed to most Dark Sky Standards. Community Development Director Lew Holloway recalled conversations with Gary Steinberg, System Manager with GE Current regarding increased development costs related to conforming to a lighting ordinance and clarified that no additional lighting would have been required for the hospital. Director Holloway said additional costs are not triggered by compatible lighting but rather than pole height and number of fixtures placed on each pole. Director Holloway Lew said there are alternatives to this such as using a different fixture to concentrate the lighting on a specific area using a lower pole. Director Holloway further clarified that many lighting manufacturing companies are providing conforming lighting plans which may be submitted with site plans for development.

Randy Hunter stated he does not support regulations but understands the need for a lighting ordinance. Mr. Hunter stated the proposed ordinance should allow for flexibility to some extent. Community Development Director Lew Holloway stated this recommendation can be included in the proposed ordinance to allow staff to make administrative adjustments.

Committee Member Ken Gordon stated there is no clear definition of “property line of concern” and “ambient light control” and asked staff to address this within the proposed ordinance.

Larry Rogers addressed the Committee and stated he does not believe there is lighting problems other than the tennis courts in the city.

Committee Member Brittany Brady left the meeting at 12:50 p.m.

Chairman Steve Dozier asked staff to seek out cities of similar size to include in comparisons.

3. ADJOURNMENT

There being no further discussion the meeting was adjourned at 12:54 p.m. upon unanimous assent of the Committee.

s/Steve Dozier, Chair

ATTEST:

s/Angela L. Reece, City Clerk

From: [Murr, Adam](#)
To: [Pahle, Brian](#); [Holloway, Lew](#)
Subject: RE: July Business Advisory
Date: Tuesday, November 23, 2021 12:03:24 PM

Here are my notes:

- Brittany Brady board
- Rebecca Waggoner board
- Mike Summey board
- Beau Waddell board
- Will Penny other
- Steve Dozier chair-board
- Ken Gordon vicechair-board
- Judy Stroud board
- Stan Reynolds board
- Dustin Drake board
- Randy Hunter board
- Mayor Barbara Volk others
- Council Member Jennifer Hensley council-board
- Debbie Davis - other
- Brian Pahle
- Angela Reece
- Adam Murr
- Allison Justus
- Lew Holloway
- Matt Manley
- Alex Norwood

CALL TO ORDER

11:34am

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Minutes approved - steve dozier

OLD BUSINESS

Lighting Ordinance Discussion - Lew Holloway

Debbie Davis - discussion of lighting ordinance. Lighting is on regulated side of the business. Duke leases lighting to the City. Energy companies and DOT are key decision makers in lighting standards. Some DOT approved lights may not meet the City ordinance. Lighting in historic districts (legacy lighting) may not meet BUG requirements. Some lighting requirements affect law enforcement branches - law enforcement has a duty to provide recommendations on lighting. Concrete can cause reflection of light upwards despite compliance with lighting ordinances. Time period of lighting fixture for exchange/update is a concern. Lighting pole is approximately 70% of cost. Pedestrian bollards to supplement sight lighting provides better visual acuity - helps with security.

Glare rating discussion - aiming lights. Front row lighting is very important to certain businesses such as car dealerships. Discussion on enforceability - concerns about how lights are turned off and lighting policy is changed. Discussion on energy incentives and "tax" incentives.

Recommendations:

1. What do we want to accomplish with the ordinance? - studies show 80% of light is caused by residential
2. Take sample sights and do a lighting ordinance check.

Dr. Jennifer Hensley asked about how restricted overhead lighting may affect medically/vision challenged individuals. Debbie discussed that people saw better at lower levels of white light. Find a way to specialized lighting in certain areas.

Stan Reynolds provided additional information on dark skies lighting. Uniformity of lighting is more important than intensity of lighting. Safety is important in lighting, especially for customers. Grandfathering in the ordinance is a better practice than establishing a cutoff time for the new practice. Suggested a photometric plan for new development projects. Can control LED light color and intensity, lights can be controlled remotely. Uniformity is more important than intensity. Beau asked if there are any municipality that has changed an aspect of lighting ordinance after adoption - Stan replied Fort Mill eliminated a policy that generated more cost for customers and energy utilities following initial policy adoption. Harris Teeter created a lighting safety initiative in their front parking areas - 4ft maintained candles create the same level of service as 8ft maintained candles at different heights. Dr. Jennifer Hensley asked what the cost of getting photometric plans developed costs - Stan clarified that most firms complete the plans for free, it wouldn't be a burden to request the plans for every project. Steve Dozier asked what the cost of photometric study would be for existing properties - Stan explained that these plans can create a liability if the plan shows the current light level does not meet recommendations.

Brian Pahle explained the City can further investigate lighting ordinances and requirements for developments. Lew Holloway explained lighting became a concern in conditional zoning district projects which spurred the need for lighting plans and requirements - including dark skies compliance.

Will Penny asked if we should be addressing the residential lighting after hearing 80% of light pollution comes from residential property. Brian Pahle clarified that existing lighting ordinances apply to residential.

Lew Holloway provided that the lighting ordinance will be applied during the review process for development - it will be difficult to enforce.

Brian Pahle clarified that the proposal applies to multi-family residential but no single family residential development as currently proposed.

Ken Gordon asked if Duke has fixtures available that meet BUG requirements - Stan clarified those lighting fixtures are available.

Steve Dozier asked if we can examine if existing businesses would meet the requirements of the new ordinance.

Lew Holloway recommended there is not a requirement for existing businesses to meet a grandfathering clause; rather a rolling implementation based on investment or renovation on a site. Jennifer Hensley expressed that we are researching a policy and developing clarity for when

developers ask what expectations are for projects.

Steve Dozier asked that we examine similar municipalities' policies.

Ken Gordon clarified that he understands the need for an ordinance but the lighting can be described in a few sentences related to dark skies - other initiatives are not related to dark skies.

Jennifer Hensley provided she does not believe developers should be hit with requirements that are not well documented at/during city council meetings - the need for policy helps development.

Steve Dozier recommended studying existing sites to get examples of implementation and changes.

Brian Pahle thanked the committee for feedback and recommended looking at additional definitions for light pollution, light spillover, and timelines - City will work through over this on a continuing basis and will not execute policy immediately.

Lew Holloway recommended Debbie Davis to the lighting subcommittee.

NEW BUSINESS

Development Project Update

Lew Holloway provided a update on on-going projects.

ADJOURN

Adjourned at Steve Dozier made a motion to adjourn

Adjourned unanimously at 12:50pm.

From: Pahle, Brian <bpahle@hvlnc.gov>

Sent: Tuesday, November 23, 2021 8:54 AM

To: Murr, Adam <amurr@hvlnc.gov>; Holloway, Lew <lholloway@hvlnc.gov>

Subject: FW: July Business Advisory

Adam,

Do you do the minutes for these meetings?

Brian

From: Holloway, Lew <lholloway@hvlnc.gov>

Sent: Tuesday, November 23, 2021 8:50 AM

To: Pahle, Brian <bpahle@hvlnc.gov>

Subject: July Business Advisory

Brian,

I'm trying to track down the name of the speaker that Larry Rogers brought to talk about the lighting ordinance back in July. Do you have draft minutes from that meeting that you could share?

Thanks,



Low Holloway

Director

Community Development Department

100 North King Street | Hendersonville, NC 28792

(828) 233-3219 | lholloway@hvlnc.gov

<http://www.hendersonvillenc.gov>



CITY OF HENDERSONVILLE
PLANNING BOARD
AGENDA ITEM SUMMARY

SUBMITTER: Alexandra Hunt, *Planner I* **MEETING DATE:** January 10, 2021

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

TITLE OF ITEM: Zoning Text Amendment: Addition and Definition of Micro-distilleries, Micro-Cideries, and Micro-wineries with Supplementary Standards and Additional Uses to Zoning Districts (P21-83-ZTA): *Alexandra Hunt, Planner I*

SUGGESTED MOTION(S):

<p>1) <u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council APPROVE an ordinance revising the definition, use and supplementary standards of Microbreweries to include Micro-distilleries, Micro-cideries, and Micro-wineries in the C-1, C-2, C-3, CMU, GHMU, HMU zoning districts and extending this amended use to the CHMU and Urban Village zoning districts as a Permitted Use subject to the Supplementary Standards, finding that the text amendment is consistent with the 2030 Comprehensive Plan Chapters 4, 7 and 8 as established by the Planning Board’s adopted Comprehensive Plan Consistency Statement and that it is reasonable and in the public’s interest to approve the application for the following reasons:</p> <p>[Please state reasons describing why this zoning text amendment is good for the community. Example suggestions below or include your own]</p> <ol style="list-style-type: none">1) It encourages infill development and redevelopment in areas planned for high intensity development. (Goal LU-1)2) It contributes to downtown’s role as the focal point of niche retailers within the city. (Goal CR-4)3) It encourages mixed-use development that reduces the need to drive. (Goal TC-1)	<p>1) <u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council DENY an ordinance revising the definition, use and supplementary standards of Microbreweries to include Micro-distilleries, Micro-cideries, and Micro-wineries in the C-1, C-2, C-3, CMU, GHMU, HMU zoning districts and extending this amended use to the CHMU and Urban Village zoning districts as a Permitted Use subject to the Supplementary Standards, finding that the text amendment is inconsistent with the 2030 Comprehensive Plan (Chapters 4, 7 and 8) and that it is not reasonable and in the public’s interest to approve the application for the following reasons:</p> <p>[Please state reasons describing why this zoning text amendment is not good for the community. Example suggestions below or include your own]</p> <ol style="list-style-type: none">1) The amendment is not consistent with the Comprehensive Plan [if applicable];2) The amendment is not in the public interest because [state why if applicable]
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<p>4) It will promote additional diversity of job opportunities within the City of Hendersonville.</p> <p>5) It encourages reinvestment in existing infrastructure and commercial real estate within the City of Hendersonville. [if applicable]</p> <p>6) It reflects adaptation by the City to changing market trends in retail and the craft beverage industry. [if applicable]</p>	
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SUMMARY:

The Planning Staff is in receipt of a Zoning Text Amendment (ZTA) application from M&T Distillery LLC. The applicant is requesting that "micro-distilleries" be added as a use in zoning districts that currently allow microbreweries as either a Permitted Use or Permitted Use subject to Supplementary Standards under Article 16 of the Zoning Ordinance.

In addition to the applicant's request, Staff is proposing three (3) recommendations. First, Staff is recommending that "micro-distilleries", "micro-cideries", "micro-wineries" be added to the use, definition, and supplementary standards for "Microbreweries". Second, Staff is proposing to add additional standards taken from the supplementary standards for Small Scale Manufacturing to the existing supplementary standards for Microbreweries. Third, Staff recommends adding two (2) additional zoning districts, CHMU and Urban Village, to the zoning districts that already permit microbreweries as a Permitted Use subject to Supplementary Standards. Currently, microbreweries are a Permitted Use in PCD CZD, I-1, and PMD CZD zoning districts and a Permitted Use subject to Supplementary Standards in C-1, C-2, C-3, CMU, GHMU and HMU.

The Legislative Committee reviewed this application and is recommending the following amendments to the zoning ordinance:

Section 12-2 Definition of Commonly Used Terms and Words.

Microbreweries, Micro-distilleries, Micro-hard cideries and Micro-wineries. "An establishment that engages in the production of malt beverages or spirituous liquors or hard cider or wine as defined in North Carolina General Statute 18B-101. Annual production shall be less than ~~25,000 barrels~~ 775,000 gallons per calendar year of final product." (25,000 x 31 gal = 775,000 gal)

16-4-15 Microbreweries, Micro-distilleries, Micro-hard cideries and Micro-wineries.

a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, hard cidery, or winery and open and accessible to the public.

b) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within the building.

c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.

d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.

e) Shipping and receiving needs shall not exceed the equivalent of (1) FHW A Class 8 truck per week.

f) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.

g) New construction shall not exceed 10,000 square feet of all building floor space.

Please see the attached Staff Report for a review of the proposed text amendment and a recap of the actions of the Planning Board.

PROJECT/PETITIONER NUMBER: P21-83-ZTA

PETITIONER NAME: M&T Distillery LLC

ATTACHMENTS:

- 1) Staff Report
- 2) Legislative Committee Minutes
- 3) Draft Ordinance

Zoning Text Amendment for Micro-Distilleries

(P21-83-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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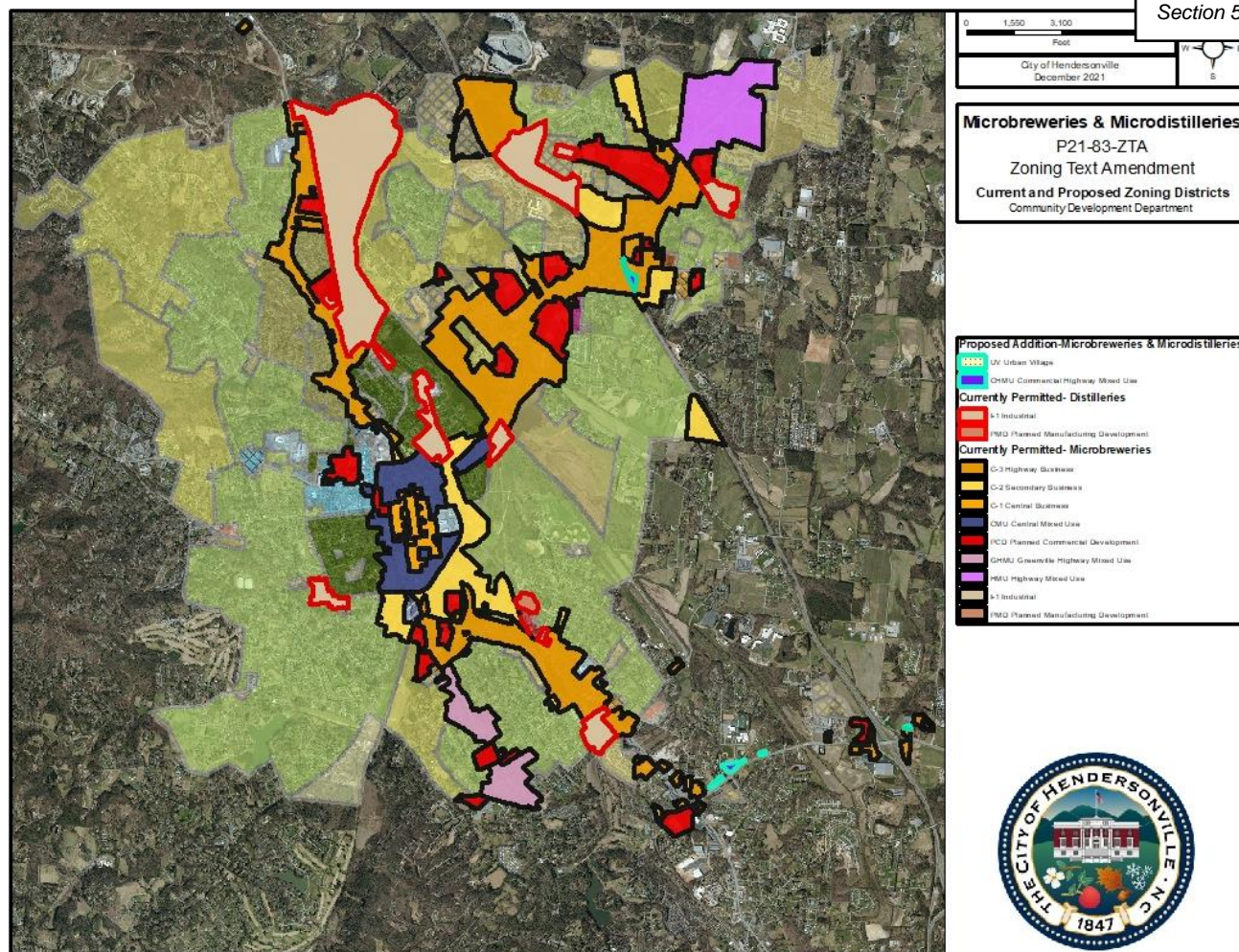
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SUMMARY OF TEXT AMENDMENT

The Planning Staff is in receipt of a Zoning Text Amendment (ZTA) application from M&T Distillery LLC. The applicant is requesting that "Micro-distilleries" be added as a use in zoning districts that currently allow Microbreweries as either a "Permitted Use or a Permitted Use "subject to Supplementary Standards", as outlined in Article 16 of the Zoning Ordinance.

Zoning Districts Permitting "Microbreweries":

As a Permitted Use (not subject to Supplementary Standards): PCD-CZD, I-1, and PMD-CZD

As a Permitted Use subject to Supplementary Standards: C-1, C-2, C-3, CMU, GHMU and HMU

In addition to the applicant's request, Staff is proposing three (3) recommendations:

- 1) That "Micro-distilleries", "Micro-cideries", and "Micro-wineries" be added to the Use, Definition, and Supplementary Standards for "Microbreweries".
- 2) To add additional standards, taken from the Supplementary Standards for "Small Scale Manufacturing", to the existing Supplementary Standards for "Microbreweries".
- 3) To add two (2) additional zoning districts, CHMU and Urban Village, to the zoning districts that already allow Microbreweries as a Permitted Use subject to Supplementary Standards.

STAFF ANALYSIS

1. Addition of “Micro-distilleries,” “Micro-cideries,” and “Micro-wineries” to the current use and definition of “Micro-breweries”

Currently, the Zoning Ordinance defines “distilleries” as, “an establishment that engages in the production of spirituous liquors or liquors as defined in North Carolina General Statute 18B-101.” The North Carolina General Statute 18B-101(14) defines “spiritous liquor” or “liquor” means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.”

The Zoning Ordinance defines “Cideries, hard” as, “an establishment that engages in the production of hard ciders classified as unfortified wine as defined in North Carolina General Statute 18B-101.”

The Zoning Ordinance defines “Wineries” as “an establishment that engages in the production of unfortified wines as defined in North Carolina General Statute 18B-101.” The North Carolina General Statute 18B-101(15) defines “unfortified wine” as “any wine of sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice or honey that is contained in the base wine and produced in accordance with the regulations of the United States.”

Lastly, the Zoning Ordinance currently defines “Microbreweries” as, “an establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101. Annual production shall be less than 25,000 barrels.” The North Carolina General Statute 18B-101(9) defines “malt beverage” means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine as defined by this Chapter, containing at least one-half of one percent (0.5%), and not more than 15 percent (15%), alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage.

Given the lack of current guidance from state law, Staff has proposed the definition for “Micro-distilleries,” “Micro cideries,” and “Micro-wineries” fall in line with the Zoning Ordinance’s current definition of “Microbreweries” as the following:

“An establishment that engages in the production of malt beverages or spirituous liquors or hard cider or wine as defined in North Carolina General Statute 18B-101. Annual production shall be less than ~~25,000 barrels~~ 775,000 gallons per calendar year of final product.” (25,000 x 31 gal = 775,000 gal).

With a definition in place covering all four product types, the “Permitted Use” of “Microbreweries” found in various zoning districts in Chapter 5 of the Zoning Ordinance would then be amended to read as “Microbreweries, Micro-distilleries, Micro-cideries, & Micro-Wineries”.

2. Addition of “Micro-distilleries,” “Micro-cideries,” and “Micro-wineries” to the Supplementary Standards for “Micro-breweries”

Staff is proposing to add “Micro-distilleries,” “Micro-cideries,” and “Micro-wineries” to the existing Supplementary Standards for “Micro-breweries” as defined in Section 16-4-15 of

the Zoning Ordinance. Staff is also proposing to add additional standards taken from the supplementary standards for Small Scale Supplementary Standards which were originally modeled after the Microbrewery supplemental standards. Specifically, the addition of the square footage limitations for new and existing buildings (standards “e” and “f”) were not included in the original supplemental standards for Micro-breweries. This would add additional restrictions on size of microbreweries that currently do not exist.

The proposed Supplementary Standards for Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries are as follows:

16-4-15 Microbreweries, Micro-distilleries, Micro-cideries and Micro-wineries.

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, hard cidery, or winery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.
- d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.
- e) Shipping and receiving needs shall not exceed the equivalent of (1) FHW A Class 8 truck per week.
- f) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- g) New construction shall not exceed 10,000 square feet of all building floor space.

- 3. Additional Zoning Districts permitting “Micro-breweries,” “Micro-distilleries,” “Micro-cideries,” and “Micro-wineries” as a Permitted w

Currently, the zoning ordinance allows microbreweries as a use in the following zoning districts:

Permitted Use (Not subject to Supplementary Standards): PCD CZD, I-1, and PMD CZD zoning districts

Permitted Use (Subject to Supplementary Standards): C-1, C-2, C-3, CMU, GHMU and HMU

Staff is recommending extending the four uses (Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries) into two (2) additional zoning districts, Commercial Highway Mixed Use (CHMU) and Urban Village zoning districts.

The CHMU zoning district classification is intended to encourage a mix of high-density residential development in conjunction with appropriately-scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodation services and similar uses.

Similarly, the Urban Village zoning district classification is intended to create mixed-use development that is economically vital, pedestrian-oriented and contributes to the place-

making character of the built environment. Additionally, both of these mixed-use zoning district classifications have a focus on additional design standards that are present in the other mixed-use districts (CMU, GHMU and HMU), but are not in C-1, C-2, C-3, PCD CZD, I-1 and PMD.

COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT AND STATEMENT:

The Comprehensive Plan does not have a dedicated chapter on economic development. As such staff looked to understand more broadly the intent of various future land use categories that would be impacted by the proposed Zoning Text Amendment. Future Land Uses that will be impacted by the proposed text amendment include Business Center, Regional Activity Center, Downtown Core, Downtown Support, Urban Institutional & High Intensity Neighborhood. While none of these Future Land Use designations discuss breweries, distilleries, cideries, and wineries explicitly, they all discuss the inclusion of retail, restaurant and office uses as primary and/or secondary uses. These type of land uses are most similar to micro-breweries, micro-distilleries, micro-cideries, and micro-wineries. The supplementary standards for Micro-breweries are intended to provide for a customer facing retail or showroom type space to align this new use with the existing character of these districts.

Chapter 8 establishes the Consistency of this approach under Strategy LU-1.1 which establishes the following; “Encourage infill development and redevelopment in areas planned for high intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a. Further this Action LU-1.1.1 states that “Review zoning standards in High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, Downtown Core, Downtown Support and Urban Institutional areas and revise as necessary to enable compatible infill projects.

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

Chapter 7 establishes a strategy (TC-1.1) intended to reduce vehicle miles driven that “Encourage mixed-use, pedestrian friendly development that reduces the need to drive between land uses. As a job creator, businesses such as micro-distilleries, micro-cideries, and micro-wineries can contribute to viable employment within the mixed-use areas highlighted throughout the comprehensive plan.

CONSISTENCY STATEMENT:

The proposed zoning text amendment for “Addition and Definition of Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries with Supplementary Standards to C-1, C-2, C-3, CMU, GHMU and HMU” and the extension of the above-referenced uses to CHMU and Urban Village zoning districts as a Permitted Use subject to Supplementary Standards is consistent with Comprehensive Plan because it:

- 1) Encourages infill development and redevelopment in areas planned for high intensity development.

- 2) Contributes to downtown’s role as the focal point of niche retailers within the city.
- 3) Encourages mixed-use development that reduces the need to drive.
- 4) Contributes to viable employment within the mixed-use zoning districts.

REASONABLENESS STATEMENT:

The text amendment is reasonable and in the public’s interest because:

- 1) It will promote additional diversity of job opportunities within the City of Hendersonville.
- 2) It encourages reinvestment in existing infrastructure and commercial real estate within the City of Hendersonville, supporting a sustainable tax base.
- 3) It reflects adaptation by the City to changing market trends in retail and the craft beverage industry.

LEGISLATIVE COMMITTEE OF THE PLANNING BOARD

Summary of Legislative Committee Action

The proposed text amendment was reviewed in a public meeting with the Legislative Committee of the Planning Board on December 21, 2021. The Committee consisted of two Planning Board members, Neil Brown and Bob Johnson, as well as Planning Division staff. The Committee and staff discussed the background of the proposal from the applicant and the feedback from the Downtown Advisory Board meeting on December 14, 2021. The Committee addressed the concerns from the Downtown Advisory Board expressed about too many establishments in downtown. The Committee felt as though market forces and cost of start-up would limit the widespread expansion of distilleries or cideries and thus prevent any perceived issues of having “too many” in one place. Discussion was had around the term “gallon” referring to “proof gallons” or final product gallons. That clarification was made to refer to final product gallons.

The Committee recommended adding “hard cidery” to the proposal. The Committee was favorable of the recommendation to include distilleries and cideries with the production limits and square footage limits as proposed as well as to expand the Permitted Use subject to Supplementary Standards to the CHMU and Urban Village zoning districts.

DOWNTOWN ADVIOSRY BOARD (1st Meeting)

Summary of Downtown Advisory Board Action

The proposed Text Amendment was reviewed by the Downtown Advisory Board on December 14, 2021. This meeting was held prior to the Legislative Committee meeting and therefore just discussed micro-distilleries and not the addition of micro-cideries and micro-wineries. The Board discussed the proposed text amendment and expressed concern about the number of micro-distilleries and micro-breweries concentrated in the downtown area. The Board also discussed the concern of the 25,000 barrel count in the definition and

commented on the large amount of finished spirits that would yield as well as the size of an operation to produce that many barrels would be too large for downtown. The Board requested that this proposed amendment be placed on the January agenda for further discussion after it was reviewed by the Legislative Committee and Economic Vitality Team.

PLANNING BOARD

Summary of Planning Board Recommendations

RESERVED

Planning Board Motion

RESERVED

DOWNTOWN ADVISORY BOARD (2nd Meeting)

Summary of Downtown Advisory Board Recommendations

RESERVED

SUGGESTED MOTION

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

ATTACHMENTS:

- Downtown Advisory Board Minutes
- Planning Board Legislative Committee Minutes
- Draft Ordinance

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-6-1, SECTION 5-7-1, SECTION 5-8-1, SECTION 5-12-1, SECTION 5-15-2, SECTION 5-19-1, SECTION 5-22-1; SECTION 5-23-1; ARTICLE 6 – GENERAL PROVISIONS: SECTION 6-5; ARTICLE 12 - DEFINITION OF TERMS: SECTION 12-2; AND ARTICLE 16 - SUPPLEMENTARY STANDARDS FOR CERTAIN USES: SECTION 16-4 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADD AND DEFINE MICRO-DISTILLERIES, MICRO-CIDERIES, AND MICRO-WINERIES TO ZONING DISTRICT CLASSIFICATIONS C-1, C-2, CMU, GHMU, HMU, CHMU AND URBAN VILLAGE.

WHEREAS, the City of Hendersonville’s Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment adding, defining, and providing Supplementary Standards for Micro-distilleries, Micro-cideries, and Micro-wineries in the City of Hendersonville Zoning Ordinance; and

WHEREAS, City Council desires to promote the efficient use and reuse of commercial space within City limits by permitting compatible development and redevelopment; and

WHEREAS, City Council desires to promote a diverse local economy which promotes and supports small business job creation; and

WHEREAS, the addition of Micro-distilleries, Micro-cideries, and Micro-wineries as a use represents a response to changing trends and opportunities within the craft beverage industry and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 5 - Zoning District Classifications: Section 5-6-1, Section 5-7-1, Section 5-8-1, Section 5-12-1, Section 5-15-2, Section 5-19-1, Section 5-22-1; Section 5-23-1; Article 6 – General Provisions: Section 6-5; Article 12 - Definition of Terms: Section 12-2; & Article 16 - Supplementary Standards for Certain Uses: Section 16-4 of the City of Hendersonville Zoning Ordinance to add, define and provide Supplementary Standards for Micro-distilleries, Micro-cideries, and Micro-wineries for Zoning District Classifications C-1, C-2, C-3, CMU, GHMU, HMU, CHMU and Urban Village:

ARTICLE V ZONING DISTRICT CLASSIFICATIONS

Section 5-6 C-1 Central Business Zoning District Classification

5-6-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-7 C-2 Secondary Business Zoning District Classification

5-7-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-8 C-3 Highway Business Zoning District Classification

5-8-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-12 I-1 Industrial Zoning District Classification

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-15 PCD Planned Commercial Development Conditional Zoning District Classification

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-19 CMU Central Mixed Use Zoning District Classification

5-19-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-22 GHMU Greenville Highway Mixed Use Zoning District Classification

5-22-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-23 HMU Highway Mixed Use Zoning District Classification

5-23-1 Permitted Uses

*Micro-breweries, **Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-24 UV Urban Village Conditional Zoning District Classification

5-24-2 Permitted Uses

***Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification

5-27-1 Permitted Uses

***Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries**, subject to the Supplementary Standards contained in Section 16-4, below*

ARTICLE XI GENERAL PROVISIONS

Section 6-5 Off-Street Parking.

Table 6-5-2: Microbreweries, Micro-distilleries, Micro-cideries, and Micro-wineries: 1 per each 3 seats or stools plus 1 per each 2 employees on the shift with the largest employment

ARTICLE XII DEFINITION OF TERMS

Section 12-2 Definition of Commonly Used Terms and Words

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries: An establishment that engages in the production of malt beverages or spiritous liquors or hard cider or wine as defined in North Carolina General Statute 18B-101. Annual production shall be less than ~~25,000 barrels~~ 775,000 gallons per calendar year of final product.

ARTICLE XVI SUPPLEMENTARY STANDARDS FOR CERTAIN USES

Section 16-4 Standards

16-4-15 Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, hard cidery, or winery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.
- d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.
- e) Shipping and receiving needs shall not exceed the equivalent of (1) FHW A Class 8 truck per week.
- f) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- g) New construction shall not exceed 10,000 square feet of all building floor space.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of February 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

**Minutes of the Planning Board – Legislative Committee
Virtual Meeting
December 21, 2021**

Members Present: Neil Brown, Bob Johnson

Staff Present: Matt Manley, Planning Manager, Alexandra Hunt, Planner I

Start Time: 3:30PM

Adjourned: 4:30PM

Legislative Committee Meeting:

Zoning Text Amendment – Distilleries

Alexandra Hunt, Planner I, reviewed the proposed Zoning Text Amendment (ZTA) application from M&T Distillery LLC. The applicant is requesting that "Micro-distilleries" be added as a use in zoning districts that currently allow Microbreweries as either a "Permitted Use or a Permitted Use "subject to Supplementary Standards", as outlined in Article 16 of the Zoning Ordinance. Ms. Hunt also explained that In addition to the applicant's request, Staff is proposing three (3) recommendations:

- 1) That "Micro-distilleries", "Micro-cideries", and "Micro-wineries" be added to the Use, Definition, and Supplementary Standards for "Microbreweries".
- 2) To add additional standards, taken from the Supplementary Standards for "Small Scale Manufacturing", to the existing Supplementary Standards for "Microbreweries".
- 3) To add two (2) additional zoning districts, CHMU and Urban Village, to the zoning districts that already allow Microbreweries as a Permitted Use subject to Supplementary Standards.

The Committee and staff discussed the background of the proposal from the applicant and the feedback from the Downtown Advisory Board meeting on December 14, 2021. The Committee addressed the concerns from the Downtown Advisory Board expressed about too many establishments in downtown. The Committee felt as though market forces and cost of start-up would limit the widespread expansion of distilleries or cideries and thus prevent any perceived issues of having "too many" in one place. Mr. Brown, Committee Member, asked about the term "gallon" referring to "proof gallons" or final product gallons. That clarification was made to refer to final product gallons.

The Committee recommended adding "hard cidery" to the proposal. The Committee was favorable of the recommendation to include distilleries and cideries with the production limits and square footage limits as proposed as well as to expand the Permitted Use subject to Supplementary Standards to the CHMU and Urban Village zoning districts.

Notice: This meeting was noticed to the public in accordance with all requirements. The meeting was also attended by one local resident and a member of the media.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Lew Holloway	MEETING DATE:	January 10 th , 2022
AGENDA SECTION:	Other Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Comprehensive Plan: 2022 Update RFP Discussion – <i>Lew Holloway, Community Development Director</i>		

SUGGESTED MOTION(S):

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SUMMARY:

The City of Hendersonville’s current “2030 Hendersonville Comprehensive Plan” was initially adopted in 2009. Best practice and recommended guidance within state enabling statutes suggest that Comprehensive Plans be revisited and revised on a ten-year cycle. As such City staff have initiated an initial review of our current Comprehensive Plan, focusing on strengths and weaknesses of the existing document in relation to current trends within the City of Hendersonville. In addition, the 2030 Plan included an extensive list of Implementation Goals, Strategies and Action Steps.

The goal for this discussion is to review some of these initial findings and discuss how those might impact our development of a final RFP document. Broad themes for what we would like for our Comprehensive Plan to address, alongside what Comprehensive Plans typically address will be presented for feedback from the Planning Board. We would also like to use this opportunity to gain interest in participating in our Long-Range Planning Sub-Committee. This committee will be a key component of work over the coming 18 months on the update to the Comprehensive Plan.

PROJECT/PETITIONER NUMBER:	N/A
PETITIONER NAME:	
ATTACHMENTS:	1. Executive Summary 2030 Comp Plan



2030 Hendersonville Comprehensive Plan

Executive Summary



What is a Comprehensive Plan?

A Comprehensive Plan is an important tool for local government decision makers, citizens, and developers that provides:

- An analysis of development opportunities and constraints.
- A road map for where, how, and when the community should grow.
- A public participation process that creates consensus and promotes civic involvement.
- Policies that promote sustainable and high-quality development that preserves and enhances quality of life and minimizes environmental impact.

What are the policies of the Comprehensive Plan?

The Comprehensive Plan articulates the City's vision for future growth and development with vision statements, goals, strategies and implementation actions in seven topical areas. The Comprehensive Plan goals for each topical area, listed below and on the facing page, are long-term ends toward which decisions, programs and activities will be directed to implement this plan.



PH-1. Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes.

PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.

PH-3. Promote safe and walkable neighborhoods.



NR-1. Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.

NR-2. Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements.

NR-3. Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.

NR-4. Preserve Hendersonville's agricultural resources in order to maintain a rich heritage and promote locally-grown food.



CR-1. Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.

CR-2. Expand historic preservation outreach and education in order to promote historical awareness among Hendersonville citizens and attract interest from visitors.

CR-3. Support and expand opportunities to build a vibrant arts and cultural presence in Hendersonville in order to boost quality of life and economic activity.

CR-4. Promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.

How is a Comprehensive Plan used?

City staff and policy makers can use the plan as a framework to guide zoning amendments, planned development reviews, capital improvements, and greenspace acquisition. Developers can use the plan to identify where various forms of development will be supported by the City. Citizens can use the plan to understand how growth will affect them, and identify ways in which they can contribute to the betterment of the community.

A Comprehensive Plan is also a valuable legal instrument in supporting efforts to manage growth and increase community quality of life. Although the State of North Carolina does not mandate the preparation of a Comprehensive Plan, the state's General Statutes state that zoning must be "in accordance with a comprehensive plan" (G.S. 160A-383).



CF-1. Maximize the utilization of community facilities as community focal points in order to promote sound stewardship of taxpayer dollars and afford increased quality in facilities.

CF-2. Maintain and enhance public safety levels of service to match existing and future community needs and support economic growth.

CF-3. Maintain existing parks to a standard that upholds a positive community image and ensures continuing safety of recreation equipment.

CF-4. Promote parks to citizens and visitors to increase utilization and awareness and advertise the community's assets.

CF-5. Expand and adjust park amenities to match community needs and expectations.

CF-6. Encourage that a park and/or accessible open space are available within a ten minute walk of each neighborhood.

CF-7. Link parks to neighborhoods in order to increase park utilization and supplement the park system.



WR-1. Preserve the quality and quantity of the City's water supply.

WR-2. Understand that communities and the natural environment located downstream are dependent on clean water, strive to preserve the quality of water as it flows through Hendersonville.



TC-1. Develop a multi-modal transportation system that encourages pedestrian and bicycle usage in order to promote pedestrian safety, reduce vehicle miles travelled and encourage community interaction.

TC-2. Develop a bicycle infrastructure that encourages bicycling as a form of transportation and recreation.

TC-3. Provide a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life.

TC-4. Promote an integrated mass transit system that addresses local and regional needs.

TC-5. Enhance key gateways to the community in order to present a positive first impression and increase civic pride.

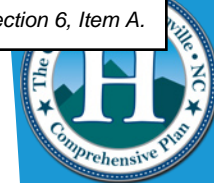


LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.

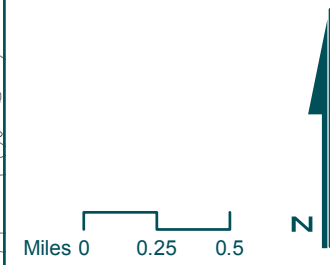
LU-2. Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards.

LU-3. Promote orderly development, annexation and expansion of Hendersonville's Extra-Territorial Jurisdiction (ETJ).

LU-4 - LU-13. Future Land Use Goals (see following pages).

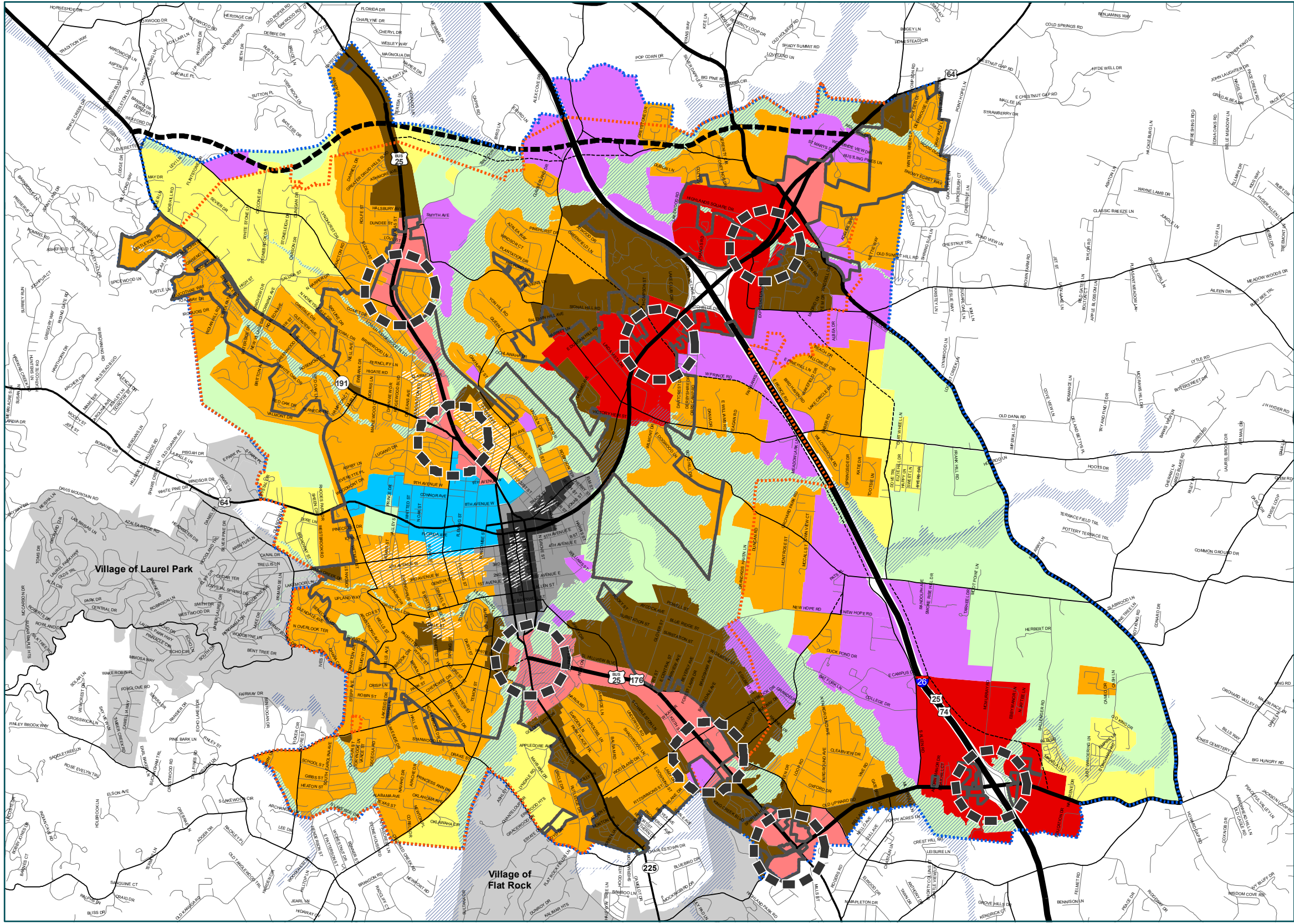


- Legend**
- City Limits
 - Extra Territorial Jurisdiction
 - Proposed ETJ Expansion
 - Historic Districts
 - 100-Year Floodplain
 - Roadway Classifications**
 - Boulevard
 - Freeway
 - Major Thoroughfare
 - Minor Thoroughfare
 - Proposed Expressway
 - Potential Minor Thoroughfare
 - Future Landuse Categories**
 - Business Center
 - Regional Activity Center
 - Downtown Core
 - Downtown Support
 - Urban Institutional
 - Neighborhood Activity Center
 - High Intensity Neighborhood
 - Medium Intensity Neighborhood
 - Low Intensity Neighborhood / Agri
 - Natural Resource / Agricultural
 - Activity Node



Sources:
City of Hendersonville
Henderson County
USGS

March 2009



Future Land Use Summary Table

FUTURE LAND USE CATEGORY NAMES AND ILLUSTRATIONS											<p>How to Use this Table</p> <p>This table is a quick-reference summary of the Comprehensive Plan recommendations for each land use category shown on the Future Land Use Map. Below is an explanation of Primary/Secondary Use terminology and how to apply the recommendations to zone change review. More details can be found in the text of the Land Use and Development Chapter.</p> <p>Primary and Secondary Uses</p> <ul style="list-style-type: none">Primary: Preferred land uses that should occupy the majority of acreage and/or building floor area within a Future Land Use category's boundaries at full community build-out.Secondary: Permitted in combination with Primary Uses as part of mixed-use development plans. Stand-alone secondary uses may be permitted on a case-by-case basis through planned development, special use or conditional use procedures. <p>Zone Change Review Criteria</p> <p>In addition to determining whether a zone change application demonstrates a clear public purpose, the City should consider the criteria listed below. These criteria help to ensure that zone changes will promote the health, safety and general welfare of the public.</p> <ol style="list-style-type: none">Consistency with the Goal, Recommended Land Uses, and Development Guidelines of the applicable Future Land Use Plan categoryConsistency with all other applicable Goals of the Comprehensive PlanCompatibility between the requested use or zoning district and the prevailing uses in the surrounding areaWhether the requested use or zoning district benefits the surrounding neighborhood and general public or a small area and only one or a few landownersWhether the design of the requested use (or available design standards and guidelines associated with the requested zoning district) mitigates potential conflicts between usesPotential impacts on environmentally sensitive areas (if applicable)Potential impacts on agricultural resources (if applicable)Potential impacts on certified historical properties and historic districts (if applicable)Potential impacts on area access and traffic patternsAdequacy of public services and facilities for water supply, wastewater treatment, fire and police protection, and transportation to support the requested use or zoning districtAdequacy of public parks, recreation and educational facilities to support the requested use or zoning district
	<p>Business Center</p>					<p>High-Intensity Neighborhood</p>					
	<p>Regional Activity Center</p>					<p>Medium-Intensity Neighborhood</p>					
	<p>Downtown Core</p>					<p>Low-Intensity Neighborhood/Agricultural</p>					
GOAL	Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.	Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.	Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center, with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.	Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods.	Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.	Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods.	Encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.	Provide a transition between High- and Low-Intensity Neighborhood areas, while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.	Provide large-lot, low-density housing options and protect existing low-density neighborhoods.	Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.	
RECOMMENDED LAND USES	<p>Primary</p> <ul style="list-style-type: none">OfficesResearch facilitiesEducational centers <p>Secondary</p> <ul style="list-style-type: none">Supportive retail and services along major thoroughfaresRestaurantsLight manufacturingMulti-family residentialMixed-use brownfield redevelopment	<p>Primary</p> <ul style="list-style-type: none">Community/regional retail sales and servicesRestaurants <p>Secondary</p> <ul style="list-style-type: none">Multi-family residentialOfficesPublic and institutional usesPedestrian amenities	<p>Primary</p> <ul style="list-style-type: none">Neighborhood retail sales and servicesRestaurantsArts, cultural and entertainment establishments <p>Secondary</p> <ul style="list-style-type: none">Multi-family residentialLive-work unitsOfficesPublic and institutional usesPedestrian amenities	<p>Primary</p> <ul style="list-style-type: none">OfficesSingle-family attached and multi-family residentialLive-work unitsPublic and institutional usesArts and entertainment establishmentsStructured or underground parking <p>Secondary</p> <ul style="list-style-type: none">RetailParks and plazas	<p>Primary</p> <ul style="list-style-type: none">Public and institutional usesOfficesStructured or underground parking <p>Secondary</p> <ul style="list-style-type: none">Single-family attached residentialMulti-family residentialLive-work unitsLimited retail and services	<p>Primary</p> <ul style="list-style-type: none">Neighborhood retail sales and services <p>Secondary</p> <ul style="list-style-type: none">OfficesMulti-family residentialLive-work unitsPublic and institutional usesPedestrian amenities (plazas, outdoor seating, etc.)Mixed uses	<p>Primary</p> <ul style="list-style-type: none">Single-family attached and detached residentialPlanned Residential DevelopmentsOpen space <p>Secondary</p> <ul style="list-style-type: none">Public and institutional usesOffices and retail along thoroughfaresRecreational amenities	<p>Primary</p> <ul style="list-style-type: none">Single-family attached or detached residentialOpen SpaceAgricultural <p>Secondary</p> <ul style="list-style-type: none">Local public and institutional usesRecreational amenities	<p>Primary</p> <ul style="list-style-type: none">Open spaceRecreational amenitiesLow-impact stormwater management facilitiesFlood storageAgricultural <p>Secondary</p> <ul style="list-style-type: none">Utilities other than stormwater managementSingle-family attached/detached structuresCemeteries		
DEVELOPMENT GUIDELINES	<ul style="list-style-type: none">Moderate front setbacks and appropriate landscapingPedestrian connections to multi-use pathways and between usesAt least 30% open space in new developments greater than five acresFaçade articulation and windows to break up large facadesMitigation of negative visual/environmental impacts on residential areas	<ul style="list-style-type: none">Façade articulation to mitigate bulk of large buildingsHiding of large parking lots with outlot structuresPedestrian connections to parking and other buildings/properties <p>Activity Nodes</p> <ul style="list-style-type: none">Multi-story, mixed-use buildings encouragedPlacement of new buildings close to the street encouragedLocation of parking to the side or rear of buildingsPedestrian connections to surrounding neighborhoods	<ul style="list-style-type: none">Continuous "street wall" with buildings adjacent to the sidewalkRear parking or limited side parking onlyStorefront windows and façade articulationTraffic calmingImproved connection between Downtown and the Seventh Street Historic District.	<ul style="list-style-type: none">Minimal front setbackRear or limited side parking onlyFaçade articulationTraffic calmingGround-floor storefronts and/or architectural detailing on parking structures	<ul style="list-style-type: none">Similar to Downtown SupportEncouragement of neighborhood master-planning that links hospital with offices, services and Downtown	<ul style="list-style-type: none">Minimize parking in front of buildingsHuman-scale buildings with storefront windows on ground floors and façade articulationPedestrian connections to parking and other buildings/properties <p>Activity Nodes</p> <ul style="list-style-type: none">Multi-story, mixed-use buildings encouragedPlacement of new buildings close to the streetLocation of parking to the side or rear of buildingsPedestrian connections to surrounding neighborhoodsTraffic calming	<ul style="list-style-type: none">Eight or more units per gross acrePlacement of non-residential and higher-density residential buildings close to major roadways and Activity CentersAt least 60% open space in new residential developments greater than three acresArchitectural guidelines to ensure compatibility between different land usesWalkable neighborhood design	<ul style="list-style-type: none">Two to eight units per gross acreAt least 60% open space in new developments on three or more acresArchitectural guidelines to ensure compatibility between different housing typesWalkable neighborhood design	<ul style="list-style-type: none">One to two units per gross acreAt least 60% open space in new developments	<ul style="list-style-type: none">Preservation/restoration of natural hydrologyLow-Impact Development principles encouragedDevelopment of non-motorized pathways to connect neighborhoods, businesses, parks, and regional greenwaysResidential uses limited to one unit per gross acre or less with at least 60% open space	

For more information contact:

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