



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, April 13, 2023 – 4:00 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

A. March Planning Board Minutes

4. **OLD BUSINESS**

5. **NEW BUSINESS**

A. Rezoning: Standard Rezoning – 1208 Stanwood Rezoning (P23-26-RZO) –*Matthew Manley, AICP / Planning Manager*

B. Rezoning: Standard Rezoning – 2511 Asheville Hwy & 106 Halsbury Ave (P23-024-RZO) –*Alexandra Hunt, Planner I*

6. **OTHER BUSINESS**

A. Rezoning: Conditional Rezoning - Bearwallow Lofts (P23-09-CZD) [WITHDRAWN]

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
March 9, 2023**

Members Present: Andrea Martin, Barbara Cromar, , Yolanda Robinson, Neil Brown, Peter Hanley, Tamara Peacock (Vice-Chair), Jim Robertson (Chair)

Members Absent: Samantha Jamison

Staff Present: Lew Holloway, Director of Community Development, Matthew Manley, Planning Manager and Tyler Morrow, Planner II

- I** *Call to Order. The Chair called the meeting to order at 4:00 pm. A quorum was established. Prior to conducting business, a moment of silence was had in remembrance of former Planning Board member, Mr. Stuart Glassman. Additionally, former member John Blatt was recognized for his many years of service on the Planning Board.*
- II** *Approval of Agenda. Mr. Hanley moved to approve the agenda. The motion was seconded by Mr. Brown. Mr. Brown asked a question about the scheduling of the April City Council meeting. Then the approval of the agenda passed unanimously.*
- III** *Approval of Minutes for the meeting of February 9, 2022. Mr. Hanley moved to approve the Planning Board minutes of the meeting of February 9, 2023. The motion was seconded by Mr. Brown and passed unanimously.*
- IV** **Old Business -** *None*
- V** **New Business**
- V(A)** **Standard Rezoning – Hillview Blvd Rezoning - R-15 to C-2 (P23-18-RZO).** Staff gave a 13-minute presentation on the request - reviewing the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning and ultimately making a recommendation on the rezoning with an emphasis on the condition of Hillview Blvd not having the capacity to carry commercial traffic. The Planning Board asked questions related to application of the RCT Zoning District as an alternative. In total Planning Board considered this item for 39 minutes.
The applicant/property owners spoke in favor of the petition:
Ken Gordon, Bickering Brothers, LLC – Spoke in favor of the petition
Justin Chaney, part owner of 212 Hillview Blvd – Spoke in favor of C-2 based on their intentions for the use of the property. He stated that RCT would not work for their intentions. He also spoke about issues related to non-conformity as a result of rezoning to the RCT.

Other public comments include the following:

Dan Brown, 371 Crab Creek Rd - adjacent property owner of PINS 9578045496 & 9578046542 – stated that the street is too narrow to accommodate commercial traffic
Lynne Williams, Chadwick Ave – spoke in opposition to the rezoning as a means of preserving existing housing stock.

The Public Comment was closed.

The Planning Board deliberated about the traffic concerns, the loss of modest housing as a result of the rezoning and potential consideration of RCT. While RCT was given some consideration, members felt as though that decision should be considered in the future if RCT permitted multi-family housing (it currently does not permit multi-family residential).

Mr. Brown moved I move Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9578-04-4785; 9578-04-5733; and 9578-04-5792 from R-15 (Medium Density Residential) to C-2 (Secondary Business) based on the following:

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

The High Intensity Neighborhood designations call for Attached Single Family Residential and Multi-family Residential as the Primary Land Uses and only recommends Office and Retail uses along Thoroughfares. While the proposed zoning district would permit Attached Single-Family uses, it would also permit a range of Commercial uses on a Local Street.

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

1. The proposed commercial zoning district is incompatible due to the residential character established along Hillview Blvd.
2. The petition to increase intensity is incompatible given the property frontage on a Local street.

Ms. Cromar seconded the motion. The vote was 8 in favor of denial and 0 opposed. Motion passed.

V(B) Standard Rezoning – Upward Crossing Dr Rezoning PCD to CHMU (P23-07-RZO) Staff gave a 7 Minute presentation on the request and reviewed the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. In total, the Planning Board considered this item for 10 minutes.

No one spoke during the Public Comment. Public Comment was closed.

Mr. Hanley moved move Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-21-9113) from PCD (Planned Commercial Development Conditional Zoning District) to CHMU (Commercial Highway Mixed Use) based on the following:

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

The Future Land Use designation of Regional Activity Center recommends restaurants & Community/Regional Services as primary land uses and the location of the subject property aligns with the goals and strategies of LU-9.

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

1. The CHMU Zoning District features Design Standards
2. The CHMU Zoning District permits a mix of uses including those that are consistent with the interstate-oriented development occurring in this area.
3. The subject property is located in a "Priority Growth Area"

Ms. Cromar seconded the motion. The vote was 8 in favor and 0 opposed. Motion passed.

The Meeting was paused at 4:51pm to allow for a break. The meeting reconvened at 4:56pm.

V(C) Conditional Rezoning: 1202 Greenville Highway Apartments GHMU to GHMU-CZD (P22-111-CZD).
Staff gave a 21-Minute presentation on the request including a review of the site plan and associated conditions as well as the guidance from the Comprehensive Plan and the criteria for considering rezoning. In total, the Planning Board considered this item for 2 hours and 8 minutes.

The Public Comment period was opened.

The applicant spoke in favor of the petition:

Derek Allen, developer's attorney, 20 Town Mountain Rd – Spoke in favor of the petition. Gave information on how the project addresses affordable housing.

Eric Mioduski, Lock 7 Development, gave an overview of the project

Warren Sugg, project engineer, Civil Design Concepts – Spoke about site specific issues including drainage/stormwater management, access alignment, grading, building footprints, retaining walls, vegetative buffers/open space, and parking arrangement.

The Planning Commission asked questions related to the Developer's Proposed Condition for Affordable Housing (hold available, for 90 days, 10% of Units (16-17 total units) for those at 80%AMI (and below) over the course of 10 years), provision of EV/EV Ready Charging Stations, other projects in North Carolina, on-site amenities, dumpster location, provision of bike storage, and bedroom count. In total, the developer's presentation time totaled 28 Minutes.

Other public comments followed. The following is a list of those who spoke in opposition to the development due to the impacts on traffic, environment, stormwater, compatibility with existing neighborhood, proposed density/height, inconsistency with the Comprehensive Plan, etc.

Richard Adelmann, Carousel Ln
Sheryl Fortune, Charlestown Drive
David Thomas, Carousel Ln
George Philips, Carousel Ln
Susan Stubbs, Carousel Ln
Tom Borgo, Carousel Ln
Charles Webb, Appledore Ave
Richard Vickers, Ewbank Dr
Mr. Kahn, Carousel Ln
Gale Fortner, Greenville Highway
Nicole Oursler, Connemara Overlook Rd

Sharon Pearson, Ewbank Dr
Dave Hewitt, Town Place Dr (Zoom)
Ken Fitch, Patton St (Zoom)
Ms. Williams, Chadwick Ave (Zoom)
Mario deGarcia, Pinnacle Peak Ln
Noah George, Carousel Ln
Jody Bell, Carousel Ln
Linda Bischoff, Crooked Creek Ln
Nancy Bullock, Carousel Ln
Donald Bell, Carousel Ln
Noah Rose, Balsam Rd (Zoom)

The Public Comment was closed

The Planning Board deliberated about the project and developed a consensus that the project was out of character with the area/location, that compatibility was not addressed, that traffic impacts would be too great, that the project is too dense, stormwater is a major concern and that the affordable housing offer was insufficient,

Mr. Hanley moved Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9578-01-3440) from GHMU (Greenville Highway Mixed Use) to GHMU-CZD (Greenville Highway Mixed Use - Conditional Zoning District), based on the following:

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

The petition does not align with the City's 2030 Comprehensive Plan's Goals for the 'Medium Intensity Neighborhood' Future Land Uses Designation to provide density at a rate of 2 to 8 units per acre.

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

1. The scale of the development is out of character with the surrounding single-family neighborhood.
2. The proposal fails to address compatibility as the site plan does not scale back in intensity/density as the site transitions from Greenville Highway to the R-15 Single-Family neighborhood.
3. The extent of the proposed land disturbance would do excessive damage to urban forest land and natural drainage areas within the city limit in an area that is already prone to flooding.

Mr. Brown seconded the motion. The vote was 8 in favor of denial and 0 opposed. Motion passed.

- VIII **Adjournment – *The meeting was adjourned at 7:05 pm.***

Jim Robertson, Chair



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** April 13, 2023

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

TITLE OF ITEM: Rezoning: Standard Rezoning – 1208 Stanwood Rezoning (P23-26-RZO) – Matthew Manley, AICP / Planning Manager

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-51-8549) from R-15 (Medium Density Residential) to R-10 (Medium Density Residential) Zoning District based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 <u>Comprehensive Plan</u> based on the information from the staff analysis and the public hearing, and because:</p> <p><i>The Medium Intensity Neighborhood designation calls for Attached and Detached Single-Family Residential uses as Primary Land Uses and Development Guidelines recommend densities at a rate of 2 - 8 units per acre. The R-10 Medium Density Residential Zoning District permits single-family and two-family uses at a maximum of 5.5 units per acre.</i></p> <p>2. We <u>[find]</u> this petition to be <u>reasonable and in the public interest</u> based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed residential zoning district is compatible with the character of the surrounding neighborhood and the adjacent land uses.2. The petition provides for a modest increase in density without introducing new uses that would be detrimental to or out of character with the surrounding neighborhood.	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-51-8549) from R-15 (Medium Density Residential) to R-10 (Medium Density Residential) Zoning District based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 <u>Comprehensive Plan</u> based on the information from the staff analysis and the public hearing, and because:</p> <p><i>The Medium Intensity Neighborhood designation calls for Attached and Detached Single-Family Residential uses as Primary Land Uses and Development Guidelines recommend densities at a rate of 2 - 8 units per acre. The R-10 Medium Density Residential Zoning District permits single-family and two-family uses at a maximum of 5.5 units per acre.</i></p> <p>2. We <u>[do not find]</u> this petition to be <u>reasonable and in the public interest</u> based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed residential zoning district is incompatible with the rural character of the surrounding neighborhood and the adjacent land uses.2. The proposed increase in density would be detrimental to the surrounding community due to an intensification of traffic congestion in the area.
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<div><div><div>3. The proposed increase in density would provide a public benefit by allowing for additional needed housing stock.</div><div>4. The proposed increase in density helps to offset limitations to development which are constrained by the presence of a 100-Year Floodplain on the subject parcel.</div></div><div>[DISCUSS & VOTE]</div></div>	<div><div><div>3. Density levels on the subject property should be maintained in order to limit impacts on the 100-Year Floodplain.</div><div>[DISCUSS & VOTE]</div></div></div>
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SUMMARY: *The City of Hendersonville is in receipt of an application for a Standard Rezoning from Michael Murphy, applicant/owner. The applicant is requesting to rezone the subject property (PIN: 9568-51-8549) located at 1208 Stanwood Ln from R-15, Medium Density Residential Zoning District to R-10, Medium Density Residential Zoning District.*

The southernmost 1/3 of the parcel is divided by Drake St which provides access from Kanuga Rd to a mobile home park neighboring the subject property. The portion of the parcel located south of Drake St is primarily located in the 100-Year Floodplain.

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. If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the R-10 district would be allowed on the site.

PROJECT/PETITIONER NUMBER:	P23-26-RZO
PETITIONER NAME:	<div><div>1. Michael Murphy [Applicant]</div><div>2. Michael Murphy & Ginger Murphy[Owner]</div></div>
ATTACHMENTS:	<div><div>1. Staff Report</div><div>2. Zoning District Comparison</div><div>3. Draft Ordinance</div><div>4. Proposed Zoning Map</div><div>5. Application</div></div>

STANDARD REZONING: 1208 STANWOOD LN (P23-26-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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- Project Name & Case #:
 - 1208 Stanwood Rezoning
 - P23-26-RZO

- Applicant & Property Owner:
 - Michael Murphy [Applicant]
 - Michael Murphy & Ginger Murphy[Owner]

- Property Address:
 - 1208 Stanwood Ln

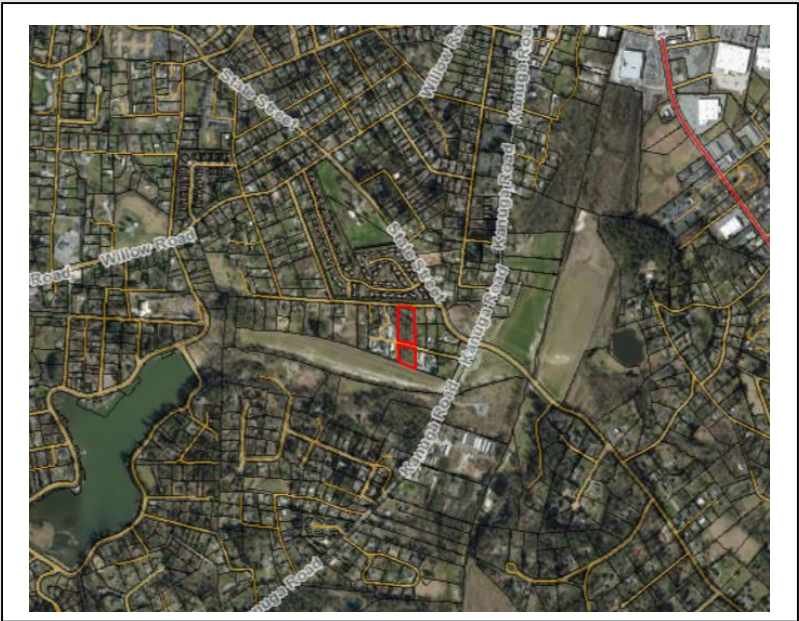
- Parcel Identification (PIN):
 - 9568-51-8549

- Project Acreage:
 - 1.8 Acres

- Current Parcel Zoning:
 - R-15 Medium Density Residential

- Requested Zoning:
 - R-10 Medium Density Residential

- Future Land Use Designation:
 - Medium Intensity Neighborhood
 - Natural Resource/Agriculture



SITE VICINITY MAP

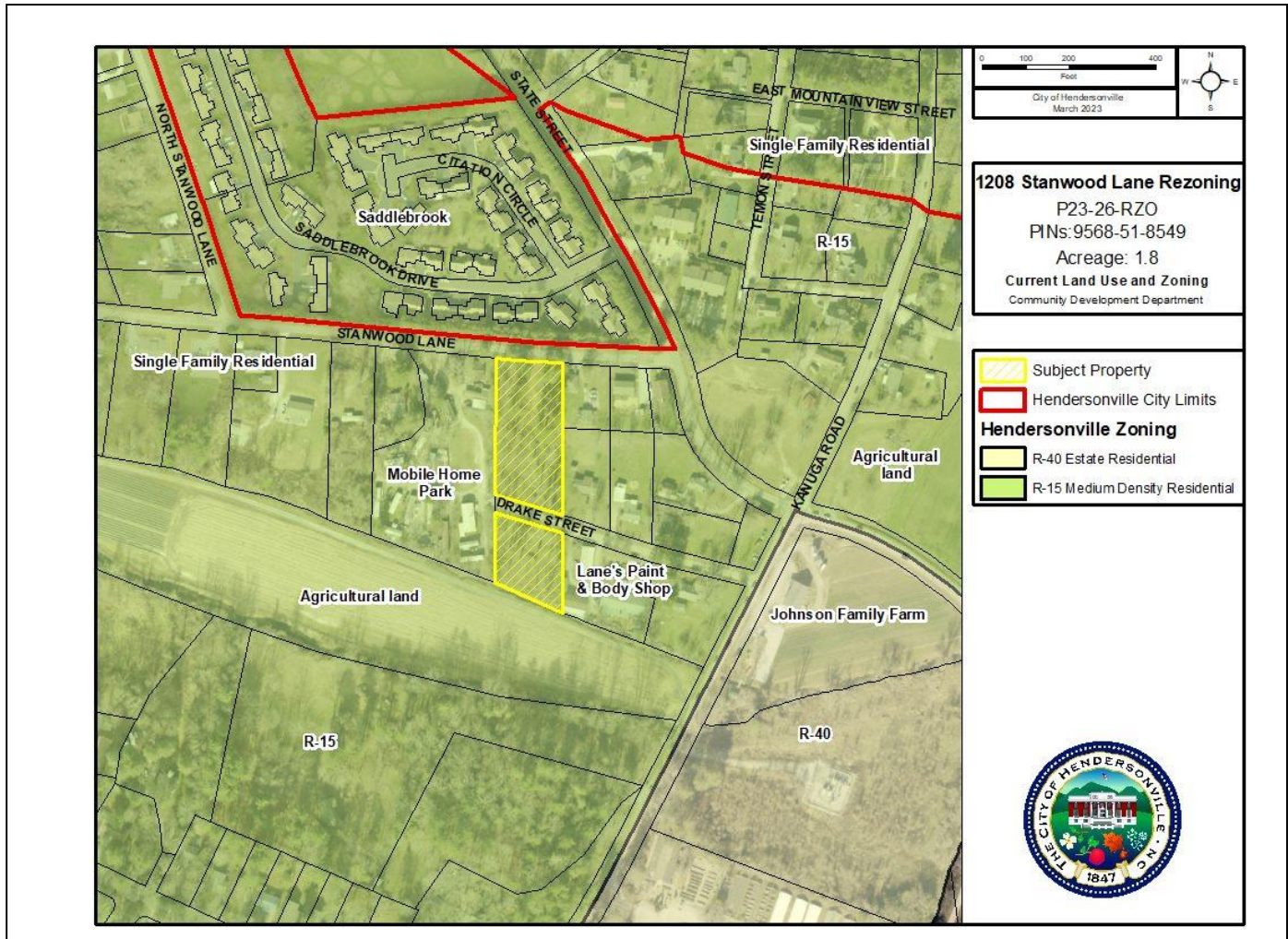
The City of Hendersonville is in receipt of an application for a Standard Rezoning from Michael Murphy, applicant/owner. The applicant is requesting to rezone the subject property (PIN: 9568-51-8549) located at 1208 Stanwood Ln from R-15, Medium Density Residential Zoning District to R-10, Medium Density Residential Zoning District.

The southernmost $\frac{1}{3}$ of the parcel is divided by Drake St which provides access from Kanuga Rd to a mobile home park neighboring the subject property. The portion of the parcel located south of Drake St is primarily located in the 100-Year Floodplain.

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.

If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the R-10 district would be allowed on the site.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is located in the ETJ in the south/southwestern portion of the City of Hendersonville's zoning jurisdiction. This portion of the ETJ has been in place since the ETJ was initially established in 1975. The subject property is zoned R-15 - the predominant zoning district found along the entire western side of the City's jurisdiction, stretching from Kanuga Rd to the south and beyond Stoney Mountain Rd to the north. Other zoning districts proximate to the subject property include R-40 (Low Density Residential) just .1 miles to the east and R-20 (Low Density Residential) located .2 miles further east.

It should be noted that there are multiple instances of site-specific uses, non-conforming uses and exempt uses in the vicinity of the subject property. To the west of the subject property is a mobile home park with a density of 8.7 units/acre. To the north is the Saddlebrook community which is a PUD with a density of 5 Units/Acre (excluding ROW). Additionally, there is a Paint & Body shop on the southeast side of the subject property. Some agricultural-oriented commercial activity is concentrated around the intersection of Kanuga Rd / State St on a bona fide farm which is zoned R-40. As a bona fide farm, this parcel is exempt from city zoning in the ETJ per GS 160D-903(c).

SITE IMAGES



Subject property facing south from Stanwood Ln



View along Stanwood Ln at subject property facing towards State St

SITE IMAGES



SITE IMAGES



View from center of site with Drake St and neighboring mobile home park in the background



View along Drake St where it passes through subject property and provides access to mobile home park

SITE IMAGES

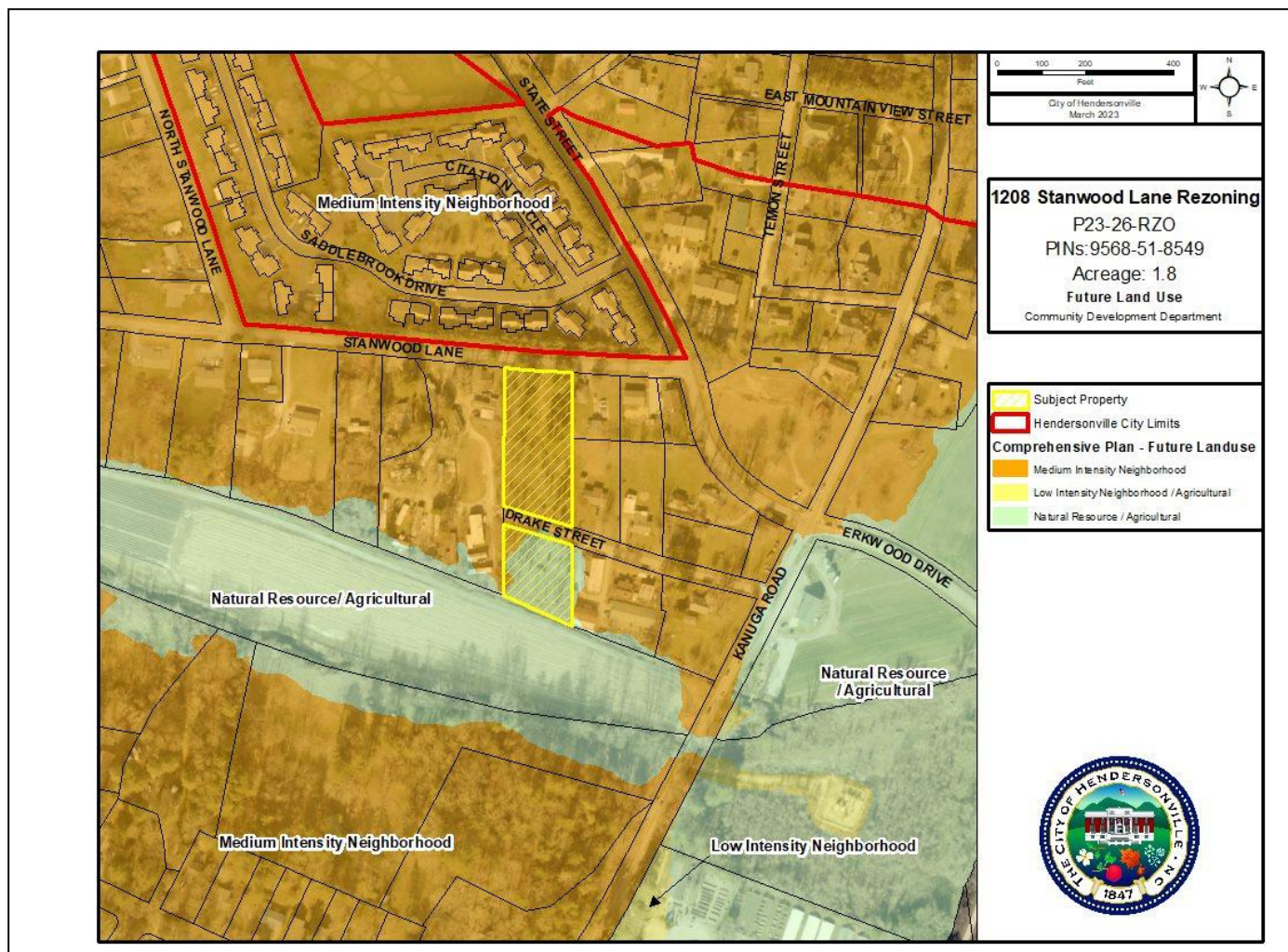


View of floodplain at south end of site



View of agricultural use to the south of subject property located along Shepherd Creek

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City of Hendersonville's 2030 Comprehensive Plan Future Land Use Map designates the southwestern quadrant of the planning area, including the majority of the subject property, as 'Medium Intensity Neighborhood'. The 100-Year floodplain in southern portion of the subject property, as well as other low lying areas along the Shepherd Creek and Mud Creek floodplains, are designated as 'Natural Resource/Agricultural'. Portions of land south of Kanuga Rd are designated as 'Low Intensity Neighborhood'.

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

COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	NORTHERN PORTION OF SITE: Goal LU-6 - Medium Intensity Neighborhood: 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.
	Strategy LU-6.2 Primary Land Uses: <ul style="list-style-type: none"> Single Family attached and detached [CONSISTENT]
	Strategy LU-6.3 Secondary Land Uses: <ul style="list-style-type: none"> Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [CONSISTENT]
	Strategy LU-6.4 Development Guidelines: <ul style="list-style-type: none"> 2 to 8 Units per gross acre [CONSISTENT ~ R-10 = 5.5 units per acre] At least 60% Open Space [LIMITED] Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT] Encouragement of walkable neighborhood design [INCONSISTENT]
	SOUTHERN PORTION OF SITE: Goal LU-4.Natural Resource/Agricultural Areas: Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources.
	Strategy LU-4.1. Location: <ul style="list-style-type: none"> The FEMA 100-year Floodplain [CONSISTENT]
	Strategy LU-4.2. Primary recommended land uses: <ul style="list-style-type: none"> Open space [LIMITED] Recreational amenities [CONSISTENT] Low-impact stormwater management facilities [INCONSISTENT] Flood storage [CONSISTENT] Agricultural uses [INCONSISTENT]
	Strategy LU-4.3. Secondary recommended land uses: <ul style="list-style-type: none"> Utilities other than stormwater management [CONSISTENT] Single-family attached and detached structures [CONSISTENT] Cemeteries [INCONSISTENT]
	Strategy LU-4.4. Development guidelines: <ul style="list-style-type: none"> Preservation and restoration of natural hydrology [LIMITED] Encouragement of Low-Impact Development principles, as described under Strategy WR-2.3 [LIMITED] Development of non-motorized pathways to connect neighborhoods, businesses, parks, and regional greenways [LIMITED] Residential uses limited to one unit per gross acre or less with at least 60% open space [LIMITED]

Land Use & Development	<i>Growth Management (Map 8.3a): Designated as “Preservation/Enhancement Area”. Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies.</i>
	<i>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.</i>
	<i>Goal LU-2. Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards.</i>
Population & Housing	<i>Strategy PH-2.1. Encourage variation in lot sizes and housing types within new developments.</i>
	<i>Strategy PH-2.2. Encourage provision of affordable housing units in new developments.</i>
	<i>Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.</i>
Natural & Environmental Resources	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
	<i>Strategy NR-1.1 - Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100 Floodplain.</i>
	<i>Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.</i>
	<i>Strategy NR-1.3 Encourage restoration of natural habitat and drainage patterns in developed areas.</i>
	<i>Strategy NR-1.5 - Continuously assess development and preservation efforts within areas planned as Natural Resources/Agricultural on the Future Land Use Map (Map 8.3b in Chapter 8) based on their conservation value</i>
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	<i>Strategy NR-2.1. - Encourage clustered development that preserves open space while allowing a return on investment.</i>
	<i>Strategy NR-2.2. - Acquire or encourage acquisition of environmentally sensitive properties</i>
	<i>Strategy NR-2.3. -Promote preservation of woodlands</i>
	<i>Strategy NR-2.4. - Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City’s green infrastructure network.</i>
	<i>Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management</i>
Cultural & Historic Resources	<i>No Goals, Strategies, or Actions are directly applicable to this project.</i>

Community Facilities	<i>No Goals, Strategies, or Actions are directly applicable to this project.</i>
Water Resources	<i>Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff</i>
Transportation & Circulation	<i>Strategy TC-1.4. Encourage pedestrian connections between dead end streets and adjacent neighborhoods.</i>
	<i>Strategy TC-2.2. Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system</i>
	<i>Strategy TC-1.4. Encourage pedestrian connections between dead end streets and adjacent neighborhoods.</i>

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	<p>The subject property and all properties abutting it are zoned R-15 (Medium Density Residential). R-15 is also the predominant zoning district found throughout the surrounding area with the exception of R-40 (Low Density Residential) and R-20 (Low Density Residential) which are located further east of the subject property.</p> <p>There are multiple instances of site-specific land uses, non-conforming uses and exempt uses in the vicinity of the subject property. Abutting the property to the west is a mobile home park with a density of 8.7 units per acre. To the north is the Saddlebrook community which is a Planned Unit Development with a density of 5 Units/Acre. The maximum density currently permitted under R-15 is 3.75 units/acre for a Minor Planned Residential Development. Additionally, there is a Paint & Body shop on the southeast side of the subject property. And lastly, some agricultural-oriented commercial activity (produce stand, food truck, etc.) is concentrated around the intersection of Kanuga Rd and State St on the site of a bona fide farm that is zoned R-40. As a bona fide farm, this parcel is exempt from city zoning in the ETJ per GS 160D-903(c). It should also be noted that the municipal boundaries of the Village of Flat Rock are less than ¼ mile from the property.</p>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	<p>With the exception of an observed increase in commercial activity at the intersection of State St and Kanuga at the location of a bona fide farm, there have been no significant recent changes in the immediate area.</p> <p>In 1990, the Saddlebrook Neighborhood, located adjacent to the north of the subject property, was approved as a Special Use Permit. This Planned Unit Development is zoned R-15 and has a density of 5 Units per Acre on 15 Acres. This subdivision was legally established according to the zoning standards that were in place at the time. The R-15 zoning permitted 6 units/acre for single-family attached homes according to the 1994 Zoning Ordinance. The R-15 zoning district has subsequently been amended to not permit multi-family uses and permits single-family and two-family uses at a rate of 3.75 units/acre as part of a Minor PRD.</p> <p>More broadly, another changed condition is the lack of housing supply / low availability rate of affordable housing which has created a housing shortage throughout the region.</p>
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	<p>The rezoning will allow for additional residential development. Utilizing a Minor PRD, a maximum increase of 3 units could be achieved if rezoned from R-15 to R-10.</p>

Public Facilities	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</p>
	<p>A Water / Sewer Availability Request was received for this parcel. Both utilities are available to the site.</p> <p>The site will be served by an NCDOT maintained street, which is classified as a “local street” in the comprehensive plan. There are currently no sidewalks on Stanwood Ln or Drake St.</p> <p>Sanitation, Police and Fire service will be provided to the parcel upon voluntary annexation. Fire hydrants are needed in the area. Extension of sanitation services to the site would be relatively seamless given proximity to existing services.</p>
Effect on Natural Environment	<p>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</p>
	<p>In comparing aerial photographs to current conditions, it does appear that this site was once a wooded lot that has now been cleared with the exception of some trees at the southern end of the parcel.</p> <p>There is a blue line stream bisecting diagonally across the subject property. There is also a blue line stream shown on the USGS map along the southern property boundary. Assuming that these blue line streams are not piped and are deemed to be protected waterways according to the US Army Corp of Engineers, the City’s standards for Stream Buffer Protections would need to be met if/when the property is developed. One half acre of the parcel is located in the 100-year floodplain and would be subject to the City’s standards for Floodplain Protection and subject to our Floodplain Development Ordinance. Section 17-2-2 of the City’s Zoning Ordinance provides the following:</p> <p>d)In order to allow design flexibility to achieve high quality site design and better utilization of land adjacent to the special flood hazard area, a property owner or developer may fill and/or use for development up to ten percent of the special flood hazard area contained within the boundaries of any development site upon satisfactorily demonstrating the following:</p> <ol style="list-style-type: none"> 1)The proposed fill and/or development provides for a higher quality site design and better utilization of land adjacent to the special flood hazard area than would be possible without the intrusion necessary to achieve the high quality design; and 2)The proposed fill and/or development represents the minimum amount of special flood hazard area intrusion necessary to achieve the high quality design. <p>Public and private roads and sidewalks shall not count toward the allowable ten percent of the special flood hazard area on a tract that can be filled and/or used for development in accordance with section 17-2-2(d).</p> <p>A property owner or developer may fill and/or use for development more than ten percent of the special flood hazard area when such would be necessary so that the property to be developed, including both the special flood hazard area and land adjacent thereto, equals one-half acre.</p>

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

The Medium Intensity Neighborhood designations call for Attached and Detached Single Family Residential uses as Primary Land Uses and Development Guidelines recommend densities at a rate of 2 - 8 units per acre. The R-10 Medium Density Residential Zoning District permits single-family and two-family uses at a maximum of 5.5 units per acre.

DRAFT [Rationale for Approval]

- The proposed residential zoning district is compatible with the character of the surrounding neighborhood and the adjacent land uses.*
- The petition provides for a modest increase in density without introducing new uses that would be detrimental to or out of character with the surrounding neighborhood.*
- The proposed increase in density would provide a public benefit by allowing for additional needed housing stock.*
- The proposed increase in density helps to offset limitations to development which are constrained by the presence of a 100-Year Floodplain on the subject parcel.*

DRAFT [Rational for Denial]

- The proposed residential zoning district is incompatible with the rural character of the surrounding neighborhood and the adjacent land uses.*
- The proposed increase in density would be detrimental to the surrounding community due to an intensification of traffic congestion in the area.*
- Density levels on the subject property should be maintained in order to limit impacts on the 100-Year Floodplain.*

SPOT ZONING ANALYSIS

The UNC School of Government provides a [Legal Summary on the issue of Spot Zoning](#) (David Owens, April 2020). According to the Legal Summary, Spot Zoning was defined in the “Blades v City of Raleigh” case as follows:

A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called “spot zoning”.

The Legal Summary goes on to provide criteria when considering the legality of “Spot Zoning”. Those criteria are listed as follows:

1. The size and physical attributes of the site;
2. The benefits and detriments to the landowner, the neighbors, and the community;
3. How the actual and previously permitted uses of the site relate to newly permitted uses;
4. Any changed conditions warranting the amendment; and
5. Other factors affecting the public interest

Spot Zoning Definition Analysis | Below is an analysis of the Spot Zoning definition as it relates to the proposed rezoning of 1208 Stanwood Ln:

- Does the amendment single out and reclassify a relatively small tract?
 - The subject property is 1.8 Acres.
- Is the tract owned by a single person?
 - There are two property owners: Michael Murphy and Ginger Murphy
- Is the tract surrounded by a larger area uniformly zoned?
 - The R-15 zoning district associated with the subject property, from a broad perspective, encompasses a contiguous area that is approximately 1,800 Acres. The R-15 district represents a large portion of the western side of the City, stretching from Kanuga Rd, to the south, up to the northern boundary of the ETJ along Asheville Hwy. Given that this district narrows to a single row of parcels at the intersection of Blythe St and 6th Ave (US 64), one could take a narrower view of the R-15 district. Applying this narrower view, the R-15 area stretching from Blythe St/6th Ave to Kanuga Rd encompasses an area of approximately 1,050 acres.
 - An R-40 district is located .1 miles from the subject property.
 - An R-20 district is located .2 miles from the subject property.
- Does the amendment relieve the small tract from restrictions to which the rest of the area is subjected?
 - Allows for smaller minimum lot size/increase in density

Spot Zoning Criteria Analysis | Below is an analysis of the Spot Zoning criteria as it relates to the proposed rezoning of 1208 Stanwood Ln:

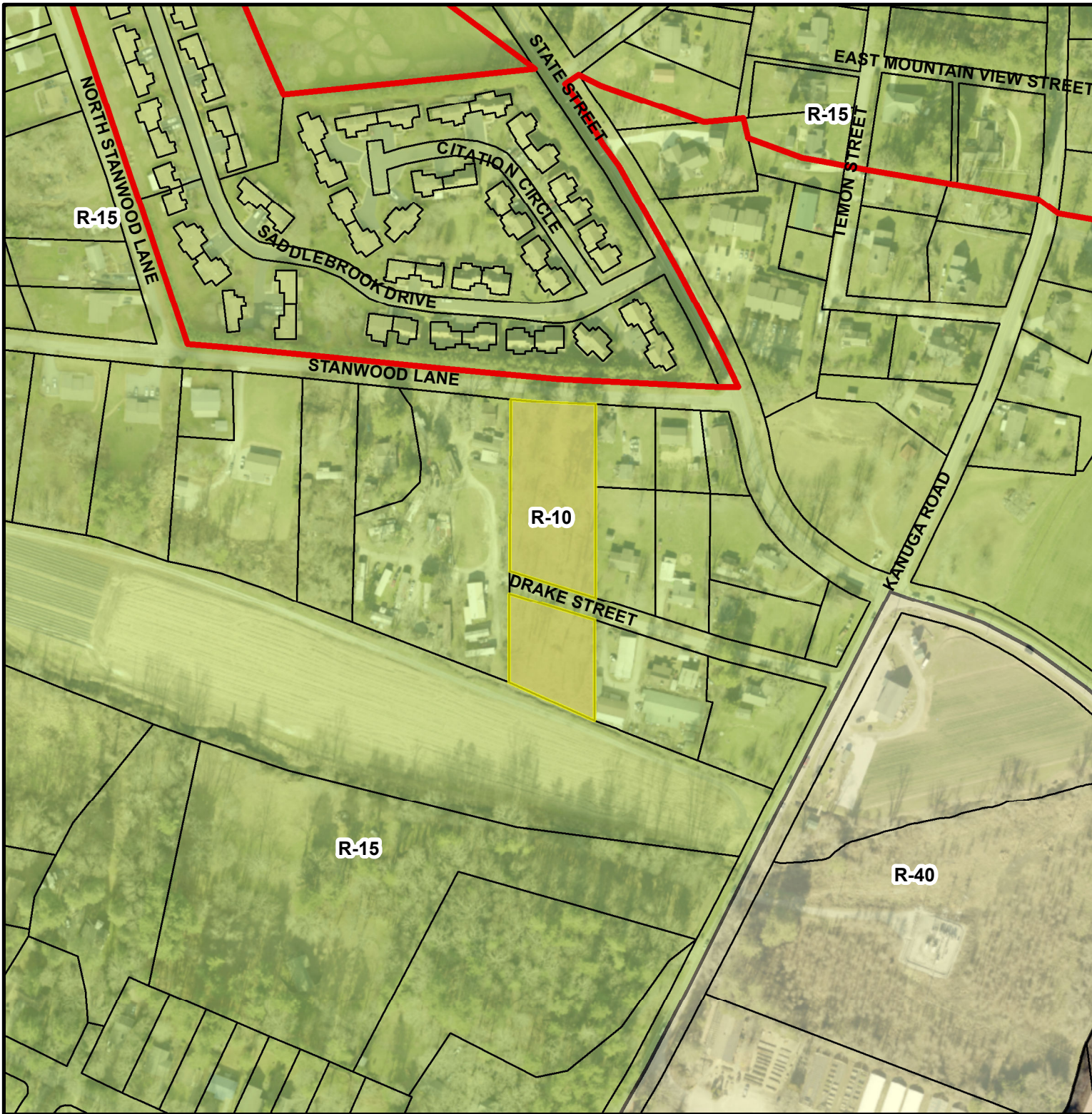
1. Size and physical attributes of the site:
 - The subject property is 1.8 Acres.
 - .5 acres of the subject property are in the 100-Year Floodplain.
2. Benefits and Detriments to the Landowner, the Neighbors, and the Community:
 - The benefit to the landowner would be a density increase from 3.75 Units/Acre to 5.5 Units/Acre (using Minor PRD as max density).
 - On a 1.8 Acre site this would allow for 9 units instead of 6 units and potentially allow for better utilization of land given the presence of floodplain.
 - Detriments to the neighboring landowners could be that the maximum increase of 3 additional dwelling units would increase associated noise, light and traffic impacts.
 - The benefit to the community would be a slight increase in housing units to address housing shortage
3. Actual and Previously Permitted Uses of the Site in Relation to Newly Permitted Uses:
 - The permitted uses in R-15 and R-10 are identical with one exception. 'Cemeteries' are a Special Use in R-15 but not permitted in R-10.
 - Both districts are primarily single-family/two-family zoning districts with 5,000 Sq Ft difference in minimum lot size for a single-family home.
4. Changed Conditions Warranting the Amendment:
 - Recent changed conditions include increased in commercial activity at the intersection of State St and Kanuga at the location of a bona fide farm.
 - In 1990, the Saddlebrook Neighborhood, located adjacent to the north of the subject property, was approved as a Special Use Permit (site-specific approval). This Planned Unit Development is zoned R-15 and has a density of 5 Units per Acre on 15 Acres. This subdivision was legally established according to the zoning standards that were in place at the time. The R-15 zoning permitted 6 units/acre for single-family attached homes according to the 1994 Zoning Ordinance.
 - There is a non-conforming Mobile Home Park adjacent to the site with a density of 8.7 Units per Acre on 3.1 acres. This mobile home park was established at some point between 1955 and 1984.
 - Adjacent to the site to the southeast is an auto paint and body shop which is not a permitted use in the R-15.
 - The remainder of the immediate area appears to be single-family homes with lot sizes ranging from .5 to 1 acre.
5. Other Factors Affecting the Public Interest.
 - Compatibility with Plan – The 2030 Comp Plan Future Land Use Map designates this area as 'Medium Intensity Neighborhood' which recommends a density of 2-8 Units / Acre. R-15 currently allows 3.75 Units/Acre while R-10 would permit 5.5 Units/Acre.

Staff Analysis | Based on this analysis, staff believes this petition would be categorized as a Spot Zoning because it benefits a single property owner/household and because it is a single 1.8-acre parcel surrounded by a very large area that is uniformly zoned R-15. However, based on the other considerations, it is staff's opinion that the proposed rezoning would be considered a valid rezoning for the following reasons:






- Development constraints associated with the presence of a flood zone on the property.
- Changed conditions in the area established by the introduction of the density associated with Saddlebrook and the adjacent Mobile Home Park,
- Changed condition involving a text amendment (September 1997) which reduced the permitted densities in the R-15 district (reduced single-family attached density from 6 units/acre to 3.75 units/acre and eliminated multi-family uses).
- Only marginal difference between the proposed zoning (R-10) and the existing zoning (R-15).
- Permitted uses in R-10 are not out of character with the surrounding area.
- The rezoning would not be considered detrimental to the neighborhood character

<p><u>R-10 Low Density Residential (proposed)</u> Same in both districts Different from current district</p>	<p><u>R-15 Medium Density Residential (current)</u> Same in both districts Different from proposed district</p>
<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Accessory dwelling units, subject to supplementary standards contained in section 16-4, below • Accessory structures • 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 • Camps • 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 • Home occupations • Parks • Planned residential developments (minor), subject to the requirements of Article VII, below • Religious institutions containing no more than 50,000 square feet of gross floor area • Residential dwellings, single-family • Residential dwellings, two-family • Signs, subject to the provisions of article XIII • Telecommunications antennas, subject to supplementary standards contained in section 16-4, below. <p>Special Uses:</p> <ul style="list-style-type: none"> • Bed and breakfast facilities • Public utility facilities • Schools, primary & secondary, containing no more than 50,000 square feet of gross floor area 	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Accessory dwelling units, subject to Supplementary Standards contained in Section 16-4, below • Accessory structures • 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 • Camps • 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 • Home occupations • Parks • Planned residential developments (minor), subject to the requirements of Article VII, below • Religious institutions containing no more than 50,000 square feet of gross floor area • Residential dwellings, single-family • Residential dwellings, two-family • Signs, subject to the provisions of Article XIII • Telecommunications antennas, subject to Special Use requirements contained in Section 16-4, below. <p>Special Uses:</p> <ul style="list-style-type: none"> • Bed and breakfast facilities • Cemeteries • Public utility facilities • Schools, primary & secondary, containing no more than 50,000 square feet of gross floor area

<div> <div>R-10 Low Density Residential</div> <div>Same in both districts</div> <div>Different from current district</div> </div>	<div> <div>R-15 Medium Density Residential</div> <div>Same in both districts</div> <div>Different from proposed district</div> </div>
<div> <div>Dimensional Requirements:</div> <div> <div>Minimum Lot Area in Square Feet:</div> <div>10,000</div> </div> <div> <div>Lot Area per Dwelling Unit in Square Feet:</div> <div>10,000;</div> <div>5,000 (for one additional dwelling unit)</div> </div> <div> <div>Minimum Lot Width at Building Line in Feet:</div> <div>100</div> </div> <div> <div>Minimum Yard Requirements in Feet:</div> <div>Principal Structure:</div> <div>Front: 25</div> <div>Side: 10</div> <div>Rear: 10</div> <div>Accessory Structures:</div> <div>Front: 25</div> <div>Side: 5</div> <div>Rear: 5</div> </div> <div> <div>Maximum Height in Feet:</div> <div>35</div> </div> </div>	<div> <div>Dimensional Requirements:</div> <div> <div>Minimum Lot Area in Square Feet:</div> <div>15,000</div> </div> <div> <div>Lot Area per Dwelling Unit in Square Feet:</div> <div>15,000;</div> <div>7,500 (for one additional dwelling unit)</div> </div> <div> <div>Minimum Lot Width at Building Line in Feet:</div> <div>85</div> </div> <div> <div>Minimum Yard Requirements in Feet:</div> <div>Principal Structure:</div> <div>Front: 30</div> <div>Side: 10</div> <div>Rear: 15</div> <div>Accessory Structures:</div> <div>Front: 30</div> <div>Side: 5</div> <div>Rear: 5</div> </div> <div> <div>Maximum Height in Feet:</div> <div>35</div> </div> </div>



1208 Stanwood Lane Rezoning
P23-26-RZO
PINs:9568-51-8549
Acreage: 1.8
Proposed Zoning
Community Development Department

-  Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
-  R-40 Estate Residential
 R-15 Medium Density Residential
- Proposed Zoning**
-  R-10 Medium Density Residential



Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR 1208 STANWOOD LANE (PARCEL NUMBER: 9568-51-8549) BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) TO R-10 (MEDIUM DENSITY RESIDENTIAL)

IN RE: Parcel Number: 9568-51-8549
1208 Stanwood Lane
(File # P23-26-RZO)

WHEREAS, the City is in receipt of a Zoning Map Amendment application from Michael Murphy [Applicant / Owner].

WHEREAS, the Planning Board took up this application at its regular meeting on April 13th, 2023; voting [redacted] to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on May 4th, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers 9568-51-8549 from R-15 (Medium Density Residential) to R-10 (Medium Density Residential).
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 4th day of May 2023.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

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

www.hendersonvillenc.gov

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

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

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

A. Property Information

Date: 05Jan23

PIN(s): 9568-51-8549

Address(es) / Location of Property: 1208 Stanwood Lane

Current Zoning: R15

Proposed Zoning: R10

B. Adjacent Parcel Numbers and Uses

PIN: 9568516641	Use: Mobile Home Park
PIN: 9568523362	Use: Town Homes
PIN: 9568519776	Use: Single Family Residence
PIN: 9568519578	Use: Single Family Residence
PIN: 9568610312	Use: Auto Repair Shop

Office Use:

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

CHK # 218

C. Applicant Contact Information

Michael Murphy

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: Land Owner

Mike Murphy

Digitally signed by Mike Murphy
Date: 2023.01.05 14:56:11 -05'00'

Applicant Signature

Applicant Title (if applicable)

1124 Old US 25 Hwy

Address of Applicant

Zirconia, NC 28790

City, State, and Zip Code

828-329-6332

Telephone

mytsip@gmail.com

Email

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

D. Property Owner Contact Information (If different from Applicant)

same

* Printed Property Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

Address of Property Owner

City, State, and Zip Code

Telephone

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

D. Section 11-1 Standards

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

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

R10 will be similar to the future zoning of Medium Intensity Neighborhood allowing 2 to 8 per acre

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)

Neighboring properties are densely populated, one is a mobile home park and across Stanwood is a townhome community

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)

**single family home availability is limited
cost of development
land to develop is scarce
affordable homes are almost nonexistent**

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)

more affordable housing is needed in Hendersonville and changing this density will allow more homes to be developed on less land which helps with the cost to develop smaller plots of land.

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)

**water and sewer are available to this property
main streets meet this property
main thoroughfares are within 1/8 mile from this property**

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.

Adding a few more single family homes in this area will not adversely effect the natural environment



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Alexandra Hunt **MEETING DATE:** April 13, 2023

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

TITLE OF ITEM: Rezoning: Standard Rezoning – 2511 Asheville Hwy & 106 Halsbury Ave (P23-024-RZO) –Alexandra Hunt, Planner I

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject properties (PINs: 9569-39-8890, and 9569-49-0448) from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The High Intensity Neighborhood designation calls for single-family attached as a primary land use; and public uses, offices and retail along thoroughfares as a secondary land use and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses. <p>2. We <u>[find]</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed zoning district is compatible with the surrounding area because it permits the same land uses as the existing zoning district.2. The petition provides for a marginal increase in density in close proximity to a wide range of commercial uses.3. The petition creates the opportunity for compatible infill development.	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject properties (PINs: 9569-39-8890, and 9569-49-0448) from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) based on the following:</p> <p>1. The petition is found to be <u>inconsistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The High Intensity Neighborhood designation calls for Single Family Residential and Multi-Family Residential as a primary land use and the proposed zoning district permits single-family & two-family residential uses. <p>2. We <u>[do not find]</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed zoning district is incompatible with the surrounding area because it would have a smaller minimum lot size.2. The petition to increase residential density is out of character with the surrounding land uses. <p>[DISCUSS & VOTE]</p>
--	--

[DISCUSS & VOTE]	
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SUMMARY: *The City of Hendersonville is in receipt of an application for a Standard Rezoning from Shane Laughter [Applicant] and Ronnie Gray [Owner]. The applicant is requesting to rezone the subject property (PINs:9569-39-8890 and 9569-49-0448) totaling 5.66 acres located at 2511 Asheville Highway and 106 Halsbury Avenue, from C-3Highway Business and R-15 Medium Density Residential, to C-3 Highway Business.*

The parcel located at 2511 Asheville Highway is accessed from Asheville Hwy and is at a lower elevation than 106 Halsbury Ave.

The parcel located at 106 Halsbury Avenue is only accessible from Halsbury Ave and features a significant change in topography that causes this parcel to sit at a higher elevation above both Asheville Hwy and remainder of the subject property. This prevents access between the two parcels.

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.

If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the C-3 district would be allowed on the site.

PROJECT/PETITIONER NUMBER:	P23-024-RZO
PETITIONER NAME:	1. Shane Laughter [Applicant] 2. Ronnie Gray [Owner]
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map 4. Application

STANDARD REZONING: 2511 Asheville Hwy & 106 Halsbury Ave (PZS-021-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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- Project Name & Case #:
 - 2511 Asheville Hwy Rezoning
 - P23-024-RZO
- Applicant & Property Owner:
 - Shane Laughter [Applicant]
 - Ronnie Gray and Larry Holbert [Owners]
- Property Address:
 - 2511 Asheville Hwy and 106 Halsbury Ave
- Parcel Identification (PINs):
 - 9569-39-8890 and 9569-49-0448
- Project Acreage:
 - 5.66 Acres
- Current Parcel Zoning:
 - C-3 Highway Business & R-15 Medium Density Residential
- Requested Zoning:
 - C-3 Highway Business
- Future Land Use Designation:
 - High Intensity Neighborhood



SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Standard Rezoning from Shane Laughter [Applicant] and Ronnie Gray [Owner]. The applicant is requesting to rezone the subject property (PINs:9569-39-8890 and 9569-49-0448) totaling 5.66 acres located at 2511 Asheville Highway and 106 Halsbury Avenue, from C-3 Highway Business and R-15 Medium Density Residential, to C-3 Highway Business.

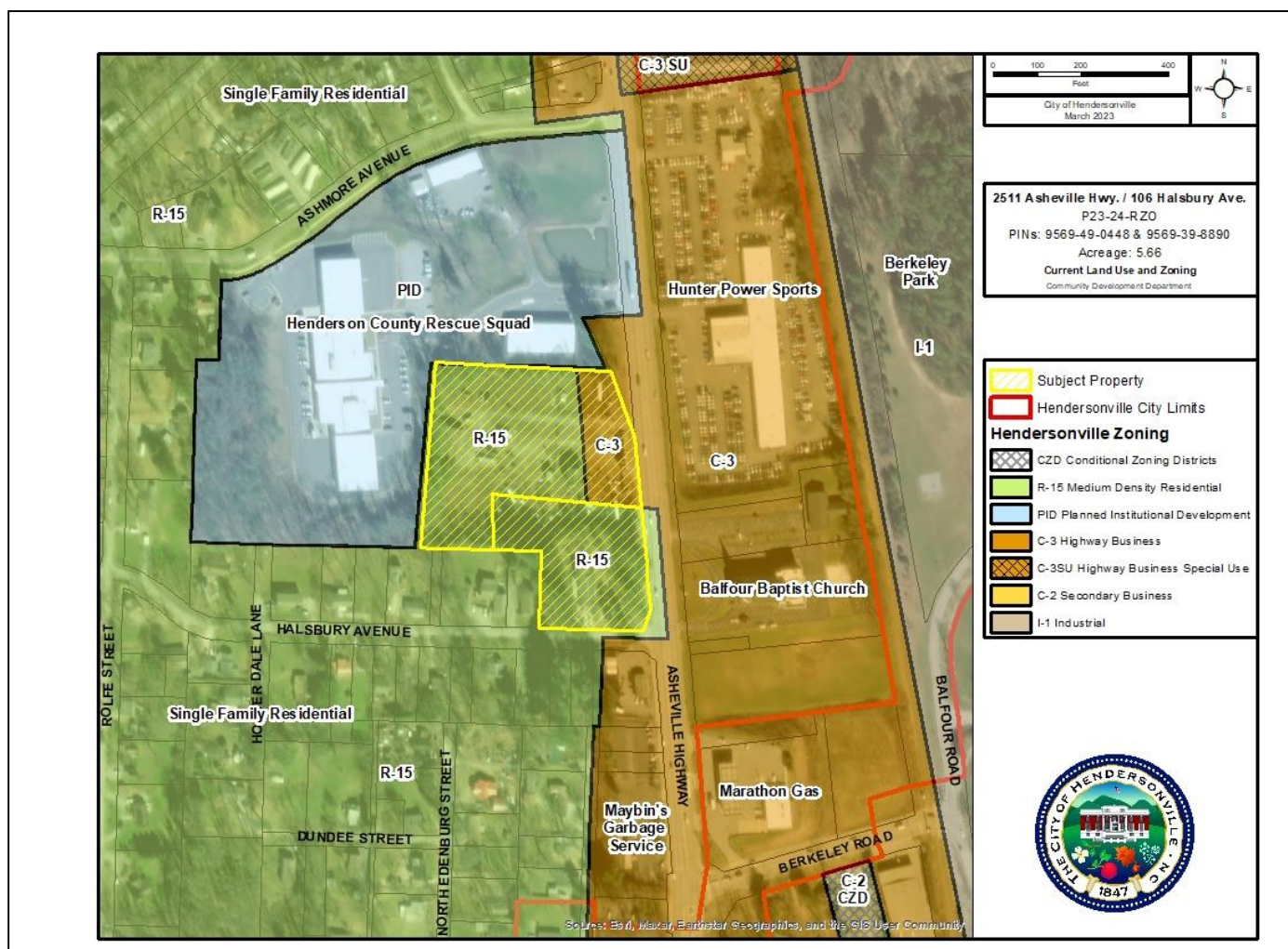
The parcel located at 2511 Asheville Highway is accessed from Asheville Hwy and is at a lower elevation than 106 Halsbury Ave.

The parcel located at 106 Halsbury Avenue is only accessible from Halsbury Ave and features a significant change in topography that causes this parcel to sit at a higher elevation above both Asheville Hwy and remainder of the subject property. This prevents access between the two parcels.

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.

If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the C-3 district would be allowed on the site.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The area around the subject property contains primarily residential and commercial uses including the Henderson County Rescue Services complex that is zoned planned institution development. The subject property is composed of two parcels, with the largest parcel being split-zoned both C-3 Highway Business and R-15 Medium Density Residential, with C-3 fronting Asheville Hwy and R-15 in the rear. The parcel located at the corner of Halsbury Avenue and Asheville Highway is zoned R-15.

The area to the west of the subject property is zoned R-15 and contains mostly single-family residential uses. The area to the east of the subject property is zoned C-3 and contains mostly commercial uses such as Hunter Power Sports dealership and service center.

SITE IMAGES



View along Asheville Hwy facing south



View along Asheville Hwy facing north

SITE IMAGES



View of existing conditions of the parcel located at 2511 Asheville Hwy



View of existing conditions of the parcel located at 2511 Asheville Hwy

SITE IMAGES



View of 106 Halsbury Ave facing northwest at the intersection of Halsbury Ave. and Asheville Hwy



View of the parcel located across from 106 Halsbury Ave facing south down Asheville Hwy.

SITE IMAGES

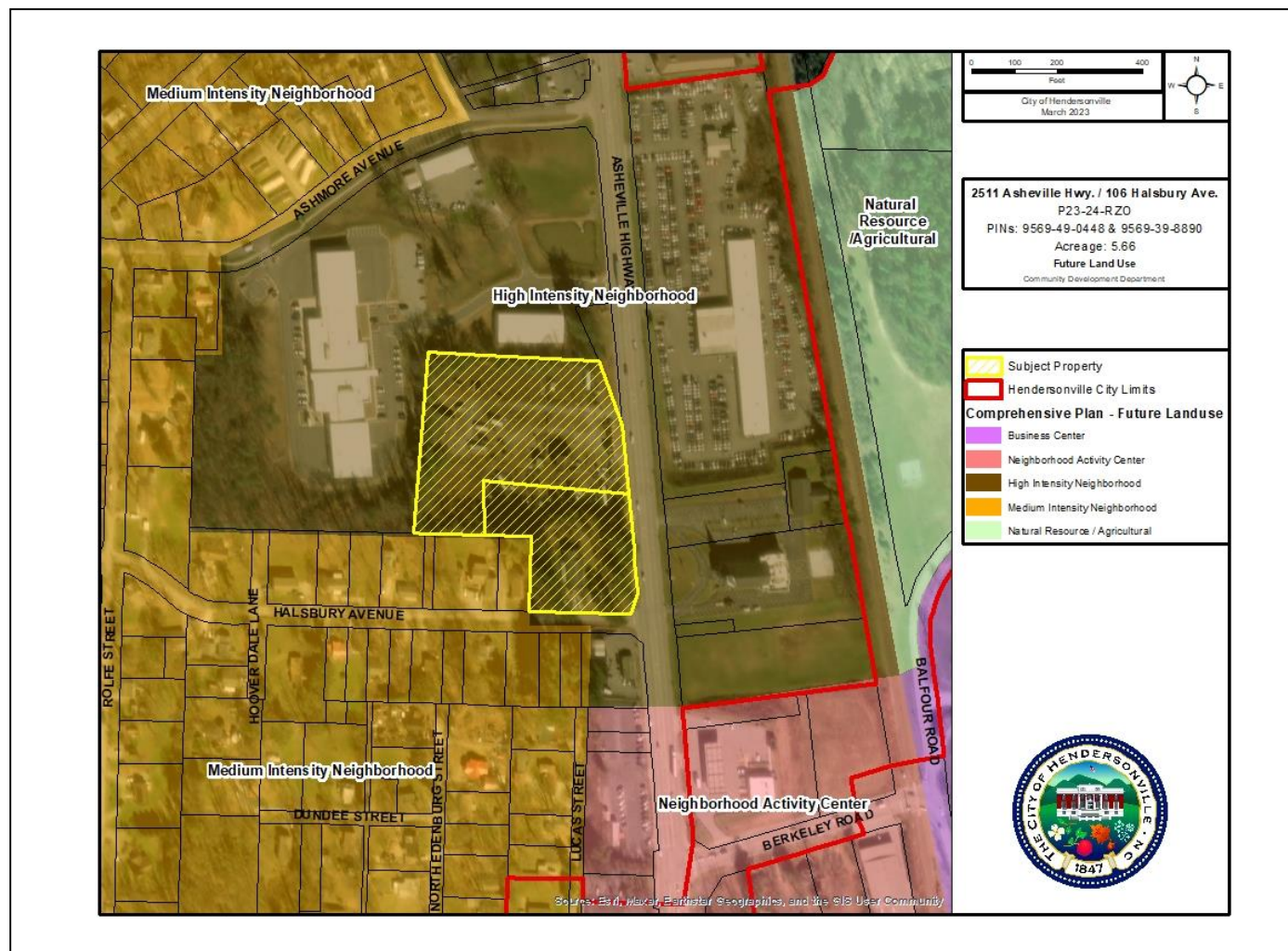


*View of the existing single-family dwelling located at 106 Halsbury Dr.
from Asheville Hwy facing west.*



View of the existing single-family dwelling from Halsbury Ave.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The 2030 Comprehensive Plan's Future Land Use Map designates the subject property as High Intensity Neighborhood. This designation is prevalent for most of the parcels directly across from the subject property that front Asheville Highway. The parcels to the west of the subject property are designated Medium Intensity Neighborhood. Parcels located south of the subject property that front Asheville Highway are designated as Neighborhood Activity Center.

Properties further east of the subject property and across Asheville Highway are designated as Natural Resource and Agriculture.

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

COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-7 - High Intensity Neighborhood: Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods</p>
	<p>Strategy LU-7.1. Locations:</p> <ul style="list-style-type: none"> Existing or planned high-density housing neighborhoods (greater than eight units per acre) Priority infill development areas where high-density development is desirable and/or expected, including: <ul style="list-style-type: none"> Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers
	<p>Strategy LU-7.2. Primary recommended land uses:</p> <ul style="list-style-type: none"> Single-family attached [CONSISTENT] and Multi-family residential [INCONSISTENT] Planned Residential Developments [CONSISTENT] <p>Strategy LU-7.3 Secondary recommended uses:</p> <ul style="list-style-type: none"> Public and institutional uses [CONSISTENT] Offices and retail along thoroughfares [CONSISTENT]
	<p>Strategy LU-7.4. Development guidelines:</p> <ul style="list-style-type: none"> Eight or more units per gross acre [INCONSISTENT ~ R-15 = 3 units per acre] Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT] At least 60% open space in new residential developments greater than three acres [INCONSISTENT] Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT] <ul style="list-style-type: none"> Encouragement of walkable neighborhood design [INCONSISTENT]

Land Use & Development	<i>Growth Management (Map 8.3a): Designated as a “Priority Infill Area”</i> <i>Priority Infill Area - Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [CONSISTENT]</i>
	<i>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]</i>
Population & Housing	<i>Strategy PH-1.1 – Promote Compatible infill development.</i>
	<i>Goal PH-2 – Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.</i> <i>Strategy 2.3- Allow housing arrangements in existing and new neighborhoods that provide affordable and/or multigenerational housing alternatives in single-family neighborhoods</i>
	<i>Goal PH-3 – Promote safe and walkable neighborhoods.</i> <i>Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.</i>
Natural & Environmental Resources	<i>Goal NR-1 - Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.</i> <i>Strategy NR 1.2- Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat</i> <i>Strategy NR 1.3- Encourage restoration of natural habitat and drainage patterns in developed areas.</i>
	<i>Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment.</i>
Cultural & Historic Resources	<i>No Goals, Strategies, or Actions are directly applicable to this project.</i>
Community Facilities	<i>No Goals, Strategies, or Actions are directly applicable to this project.</i>
Water Resources	<i>Strategy 2.2-Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff.</i>
Transportation & Circulation	<i>A “Proposed Gateway” is designated on Map 7.3a at the intersection of Halsbury Ave and Asheville Hwy.</i> <i>Goal TC-5 – Enhance key gateways to the community in order to present a positive first impression and increase civic pride.</i>

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	The area around the subject property contains both residential and commercial uses. The subject property is composed of two parcels (9569-39-8890 and 9569-49-0448) with the largest parcel split-zoned both C-3 and R-15. Both parcels front Asheville Hwy.
	The parcel located at 2511 Asheville Hwy abuts PID zoning on the northern and western borders of the parcel and R-15 on the southern border. Access is provided from Asheville Hwy.
Changed Conditions	The parcel located at 106 Halsbury Ave is part of the Greater Druid Hills neighborhood and is solely accessed from Halsbury Ave. The parcel also sits at a higher elevation than Asheville Hwy and the remaining subject property. Due to this change in topography, there is no access between this parcel and 2511 Asheville Hwy.
Public Interest	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	Parcels that front Asheville Highway either zoned C-3 Highway Business or PCD Planned Commercial Development.
Public Facilities	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	The rezoning would eliminate any non-commercial zoning for parcels that front Asheville Hwy.
Effect on Natural Environment	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	A Water / Sewer Availability Request has not been received for this project. The site will be served by a NCDOT maintained road which is classified as a “major thoroughfare” in the comprehensive plan.
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 -
	The largest parcel located at 2511 Asheville Hwy is a developed parcel that is comprised of mostly impervious surfaces with some trees and vegetation bordering the property boundary lines on the north, west, and south. Additionally, a blue line stream exists at the northwestern corner of the parcel.
	The parcel located at 106 Halsbury Avenue features trees and vegetation that surround the existing residential structure and also features a significant topography change from approximately 60ft from the northern property boundary.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The High Intensity Neighborhood designation calls for single-family attached as a primary land use, and public uses, offices and retail along thoroughfares as a secondary land use and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.

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

DRAFT [Rationale for Approval]

- *The proposed zoning district is compatible with the surrounding area because it permits the same land uses as the existing zoning district.*
- *The petition provides for a marginal increase in density in close proximity to a wide range of commercial uses.*
- *The petition creates the opportunity for commercial infill development.*

DRAFT [Rational for Denial]

- *The proposed zoning district is incompatible with the surrounding area because it permits a range of high intensity commercial businesses.*
- *The petition to reduce the minimum lot size for residential uses is out of character with the surrounding land uses.*

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBERS: 9569-39-8890 & 9569-49-0448 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) AND C-3 (HIGHWAY BUSINESS) TO C-3 (HIGHWAY BUSINESS)

IN RE: Parcel Numbers 9569-39-8890 & 9569-49-0448
(File # P23-024-RZO)

WHEREAS, the City is in receipt of a Zoning Map Amendment application from Shane Laughter [Applicant] and Ronnie Gray [Owner].

WHEREAS, the Planning Board took up this application at its regular meeting on April 13th, 2023; voting _____ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on May 4th, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers 9569-39-8890 & 9569-49-0448 from R-15 Medium Density Residential and C-3 Highway Business to C-3 Highway Business.
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

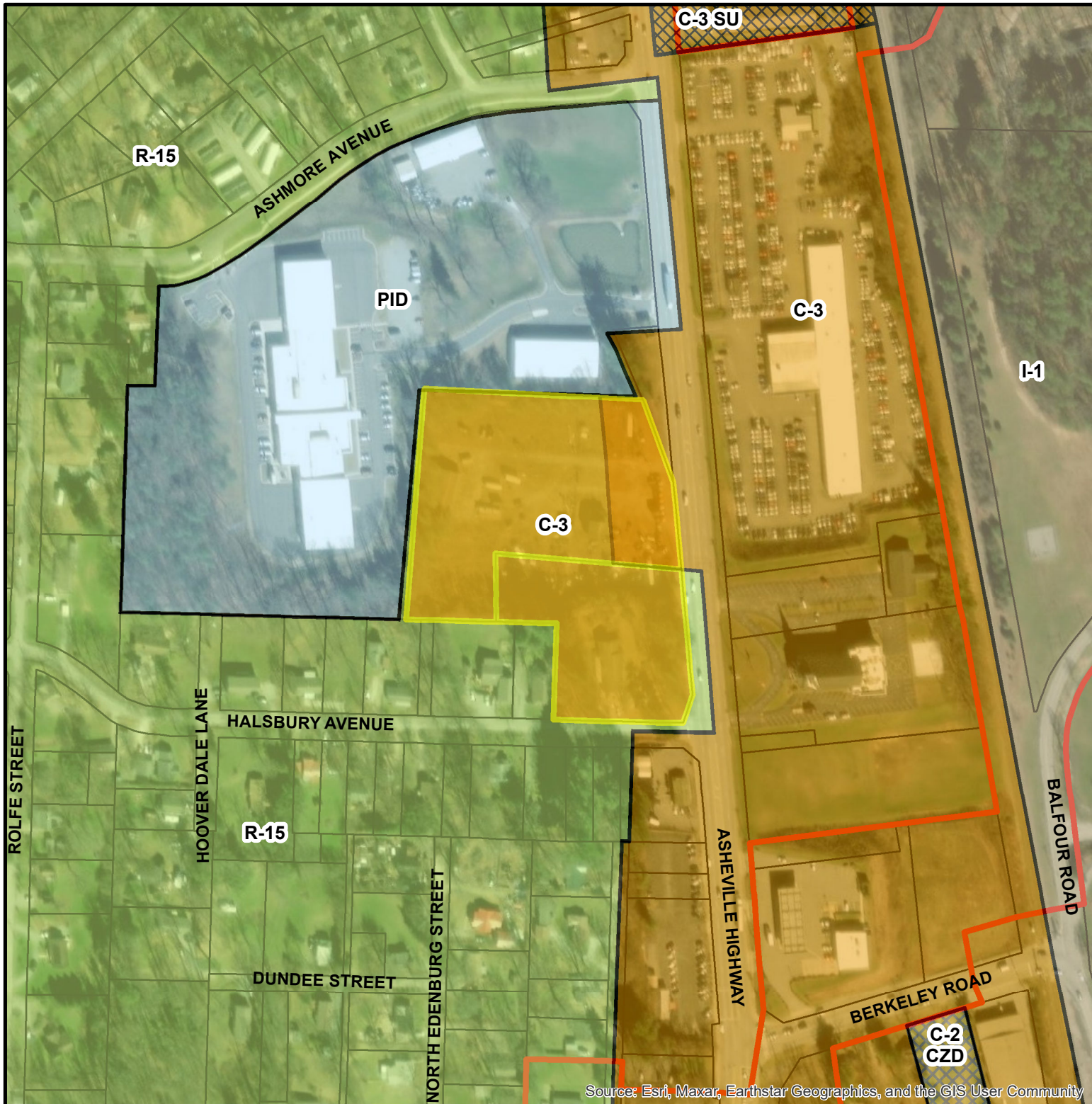
Adopted this fourth day of May 2023.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

2511 Asheville Hwy. / 106 Halsbury Ave.
P23-24-RZO
PINs: 9569-49-0448 & 9569-39-8890
Acreage: 5.66
Proposed Zoning
Community Development Department

- Hendersonville Zoning**
- Subject Property
 - Hendersonville City Limits
 - CZD Conditional Zoning Districts
 - R-15 Medium Density Residential
 - PID Planned Institutional Development
 - C-3 Highway Business
 - C-3SU Highway Business Special Use
 - C-2 Secondary Business
 - I-1 Industrial





**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

Date: 2/21/2023

PIN(s): 9569398890, 9569490448, 9569491915

Address(es) / Location of Property: 2511 Asheville Hwy & 106 Halsbury Ave

Current Zoning: C-3 & R-15

Proposed Zoning: C-3

B. Adjacent Parcel Numbers and Uses

PIN: <u>9660306082</u>	Use: <u>Henderson County EMS</u>
PIN: <u>9569398485</u>	Use: <u>Residential</u>
PIN: _____	Use: _____
PIN: _____	Use: _____
PIN: _____	Use: _____

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

C. Applicant Contact Information

Shane Laughter

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____


Applicant Signature

Applicant Title (if applicable)

191 Twin Springs Rd

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-606-5035

Telephone

shane@fletchergrading.com

Email

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

D. Property Owner Contact Information (If different from Applicant)

Ronnie P Gray

* Printed Property Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

X *Ronnie P Gray*
Property Owner Signature

Property Owner Title (if applicable)

PO Box 1275

Address of Property Owner

Mountain Home, NC 28758

City, State, and Zip Code

828 606 8002

Telephone

conniepetebl@gmail.com

Email

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

D. 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.

Property located on Hwy 25 and is a commercial corridor.

- 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)

Property is adjacent to Henderson County EMS building and across from Hunter Automotive.

- 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)

No changed conditions, just logical to be zoned C-3 since it is on Hwy 25

- 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)

zoning property to C-3 would not have an adverse effect on surrounding properties.

- 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)

Utilities are nearby and should not be an issue.

- 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.

There should be no negative impact to neighbors on any environmental issue.