CITY OF HENDERSONVILLE
CURRENT PLANNING COMMITTEE

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, July 11, 2024 – 3:00 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

4. **OLD BUSINESS**

5. **NEW BUSINESS**

   A. Rezoning: Standard Rezoning – Upward Rd-Hill (P24-36-RZO) – *Tyler Morrow, Current Planning Manager*

   B. Rezoning: Conditional Zoning District – First Ave Villas (P24-26-CZD) – *Matthew Manley, AICP – Long-Range Planning Manager*

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the Community Development Department no later than 24 hours prior to the meeting at 828-697-3010.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Tyler Morrow	**MEETING DATE:**	July 11th, 2024
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – Upward Rd-Hill (P24-36-RZO) – *Tyler Morrow, Current Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PIN: 9577-99-0735 from Henderson County CC, (Community Commercial) to City of Hendersonville 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 because:

The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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

1. Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area
2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area
3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan

[DISCUSS & VOTE]

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PIN: 9577-99-0735 from Henderson County CC, (Community Commercial) to City of Hendersonville 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 because:**

   The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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. While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district.

[DISCUSS & VOTE]

SUMMARY: *The City of Hendersonville received an annexation application from Lyndon and Lynn Hill (property owners) for 1 parcel totaling 1.20 acres located along Upward Road (beside the proposed Spinx). The applicant has not requested zoning, therefore the City is initiating zoning. If annexed the County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation.*

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District.

CHMU permits a range of commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved.

On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections.

PROJECT/PETITIONER NUMBER:	P24-36-RZO
PETITIONER NAME:	City of Hendersonville [applicant] Lyndon and Lynn Hill [property owners]
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map 4. County 2045 Future Land Use Map 5. Upward Road Planning District Map

STANDARD REZONING: UPWARD RD – HILL FAMILY (P24-36-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Upward Rd – Hill Family
  - P24-36-RZO
- Applicant & Property Owner:
  - City of Hendersonville [Applicant]
  - Lyndon and Lynn Hill [Owners]
- Property Address:
  - No address assigned
- Project Acreage:
  - 1.20 Acres
- Parcel Identification (PINS):
  - 9577-99-0735
- Current Parcel Zoning:
  - Henderson County Community Commercial (CC)
- Proposed Zoning District:
  - CHMU (Commercial Highway Mixed Use)
- Future Land Use Designation:
  - City (2030) – High Intensity Neighborhood
  - County (2045) –Infill Area
    - Density: The maximum allowable density range is four to eight units per acre (gross density)
    - Uses: A mix of types, including single family, townhomes, and apartments where appropriate Utility
    - Access: Served by utilities

SITE VICINITY MAP

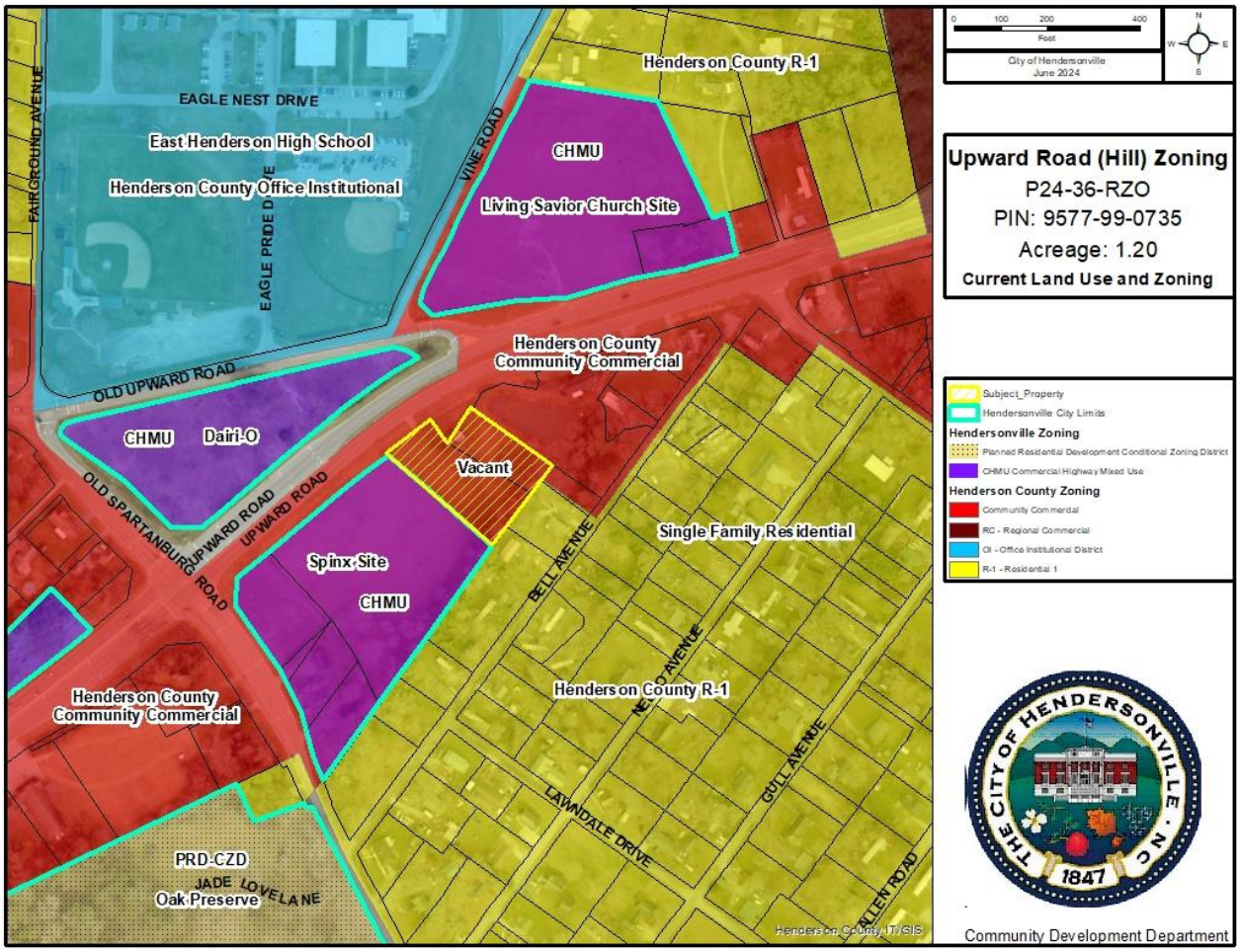
The City of Hendersonville received an annexation application from Lyndon and Lynn Hill (property owners) for 1 parcel totaling 1.20 acres located along Upward Road (beside the proposed Spinx). The applicant has not requested zoning, therefore the City is initiating zoning. If annexed the County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District.

CHMU permits a range of commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved.

On March 3rd, 2011, City planning staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently in the zoning jurisdiction of Henderson County. The parcel is zoned Community Commercial. The subject property is located outside of the corporate city limits in an area where some parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and PRD-CZD (Oak Preserve). The City zoned uses within close proximately include a fast food restaurant, the future site of a religious institution and the future site of a convenience store with gasoline sales.

The County zoning in this area is predominantly Community Commercial (CC) along this stretch of Upward Road and Residential One (R1) further setback from Upward Rd. The intent of the CC zoning district is to "to allow for commercial development that includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level". The R1 zoning is intended to "allow for medium to high-density residential development". East Henderson High School is zoned Office and Institutional and is the only parcel with this classification near the subject property.

SITE IMAGES

View of the subject property from Upward Road facing southeast.

View of the mature vegetative buffer at the rear of the property.

SITE IMAGES

View from the rear of the property facing Upward Road.

View of the pond on the adjacent property that is owned by the North Carolina Department of Transportation.

HISTORY AND CREATION OF CHMU

Full Minutes from City Council Meeting:
https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=2d9a57cc0bb97

Creation of CHMU

In 2010 Henderson County Board of Commissioners voted against the City of Hendersonville extending its Extraterritorial Jurisdiction (ETJ) into the Upward Road Corridor. Although the extension of the ETJ was turned down, the City maintained a goal to manage the growth pattern in this area due to anticipated development pressures and subsequent requests for sewer connections. City Manager Ferguson gave City Council several options to consider at their meeting on December 2, 2010.

Those options were:

1) Conditioning sewer and/ or water extensions on voluntary compliance with the City's plans for quality land development,
2) Influencing Henderson County land use decisions by adopting a resolution urging Henderson County to enact certain regulations and providing input to various processes as the corridor develops, and
3) Adopting a new zoning district: the Commercial Highway Mixed Use Zoning District - which may be applied to those properties that are annexed and which may be applicable in other areas of the City.

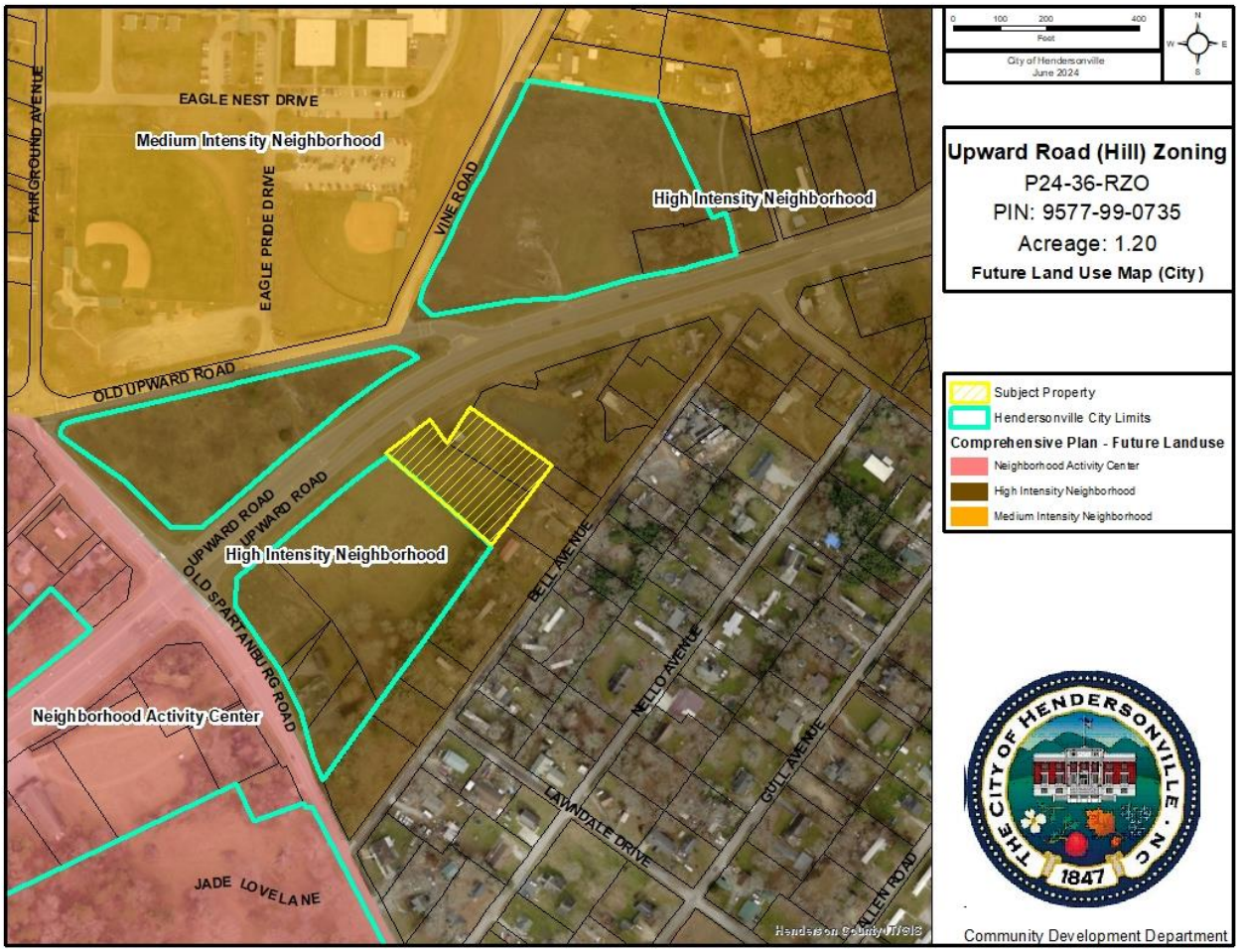
After discussion, the City Council agreed by majority consensus to direct the staff and the Planning Board to continue developing the Commercial Highway Mixed Use (CHMU) zoning district classification in compliance with the Henderson County Land Development Plan and to examine the utility extension agreement and make provisions for property owners requesting sewer service to meet the City's requirements for that area.

On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design standards for buildings and development sites. It was reported that the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new CHMU Zoning District Classification.

Mayor Pro Tem Collis moved City Council to adopt an ordinance enacting a new Section 5-27 Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance. A unanimous vote of the Council followed. Motion carried.

Additionally, City Council created the Upward Road Planning District in line with the City's sewer extension policy. A map of the Upward Road Planning District is attached in your packet. The subject property is within the Upward Road Planning District. The Upward Road Planning District is a direct reflection of the proposed ETJ expansion that was turned down by the Henderson County Board of Commissioners

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as High Intensity Neighborhood in the City's Future Land Use Map.

Parcels to the north and east on Upward Road are also designated High Intensity Neighborhood. Parcels to the west along Upward Rd are designated as Neighborhood Activity Center. Properties southeast of Bell Ave are outside of the City's Future Land Use Map study area.

The County's 2045 Future Land Use Map designates the subject property and all properties to the southeast as Infill Area. Infill Area consists of residentially focused areas that include a mix of housing types inside subdivisions and planned developments. These areas should have an improved transportation network and accommodate a variety of home options. Universal design that allows aging-in-place should be encouraged where appropriate.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	The subject property is designated as *High Intensity Neighborhood* on the *Future Land Use Map*. ***Goal LU-7*** *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. [CONSISTENT]*
	Strategy LU-7-1. Locations*:* *• Priority infill development areas where high-density development is desirable and/or expected including boulevards and major thoroughfares near neighborhood activity centers [CONSISTENT]*
	Strategy LU-7.2. Primary recommended land uses*:* *• Single-family attached and multifamily residential, planned residential developments, and open space [CONSISTENT]* *Strategy LU-7-4 Development guidelines:* *• Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT]* *• Placement of higher-intensity uses close to boulevards and major thoroughfares [CONSISTENT]* *• Architectural guidelines to encourage compatibility between different land uses [CONSISTENT]* *• Encouragement of walkable neighborhood design [CONSISTENT]* *• At lease 60% open space in new residential developments of greater than 3 acres [PARTIALLY CONSISTENT]*
	The subject property is designated *as a Priority Infill* on the *Growth Management Map 8.3a*.
Land Use & Development	***Goal LU-1.*** *Encourage infill development that utilizes existing infrastructure in order to maximize public investment* and revitalize existing neighborhoods.
	Goal LU-3. *Promote fiscal responsibility with development, annexation and expansion of Hendersonville's Extra-Territorial Jurisdiction (ETJ).*
Population & Housing	***Strategy PH-1.1.*** *Promote compatible infill development.*
	Strategy PH 3.2 – *Encourage mixed land use patterns that place residents within walking distance of services.*
Natural Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Cultural & Historic Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Community Facilities	***No Goals, Strategies or Actions are directly applicable to this project.***
Water Resources	***No Goals, Strategies or Actions are directly applicable to this project.***
Transportation & Circulation	*Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.*

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

GENERAL REZONING STANDARDS	
Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –**
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.
Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	Upward Road is a corridor experiencing significant growth. In the last three years, there have been no less than 10 development requests/approvals in the Upward Rd area alone. In addition to those development applications, there have been other development inquiries, some of which have been significant in scale. While other areas of Hendersonville are experiencing growth, no other specific area of town has seen this scale of development requests in recent years, especially when it comes to requests for commercial development.
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 -**
	Design guidelines found in CHMU support the creation of compatible, high quality development. Additional quality commercial development within the City will generate additional tax revenue. Additional quality residential development within the City would provide needed housing.
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**
	The site would be served by City utilities, as well as City Fire and Police. Upward Road is designated as a Boulevard in the comprehensive transportation plan and is maintained by NCDOT.
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 -**
	As a standard rezoning, there is no proposed development to consider as part of the rezoning process. The subject property is currently vacant. The rear property line is lined by a dense grove of vegetation.

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 Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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

DRAFT [Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan*

DRAFT [Rational for Denial]

- *While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district.*

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A CERTAIN PARCEL (POSSESSING PIN NUMBER 9577-99-0735) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE) ZONING DISTRICT

IN RE: Parcel Numbers: 9577-99-0735
Upward Road - Hill (File # P24-36-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on July 11th, 2024; 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 August 1st, 2024, and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on August 1st, 2024,

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: 9577-99-0735 from Henderson County CC (Community Commercial) Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use) Zoning District.

2. Any development of this parcel 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.

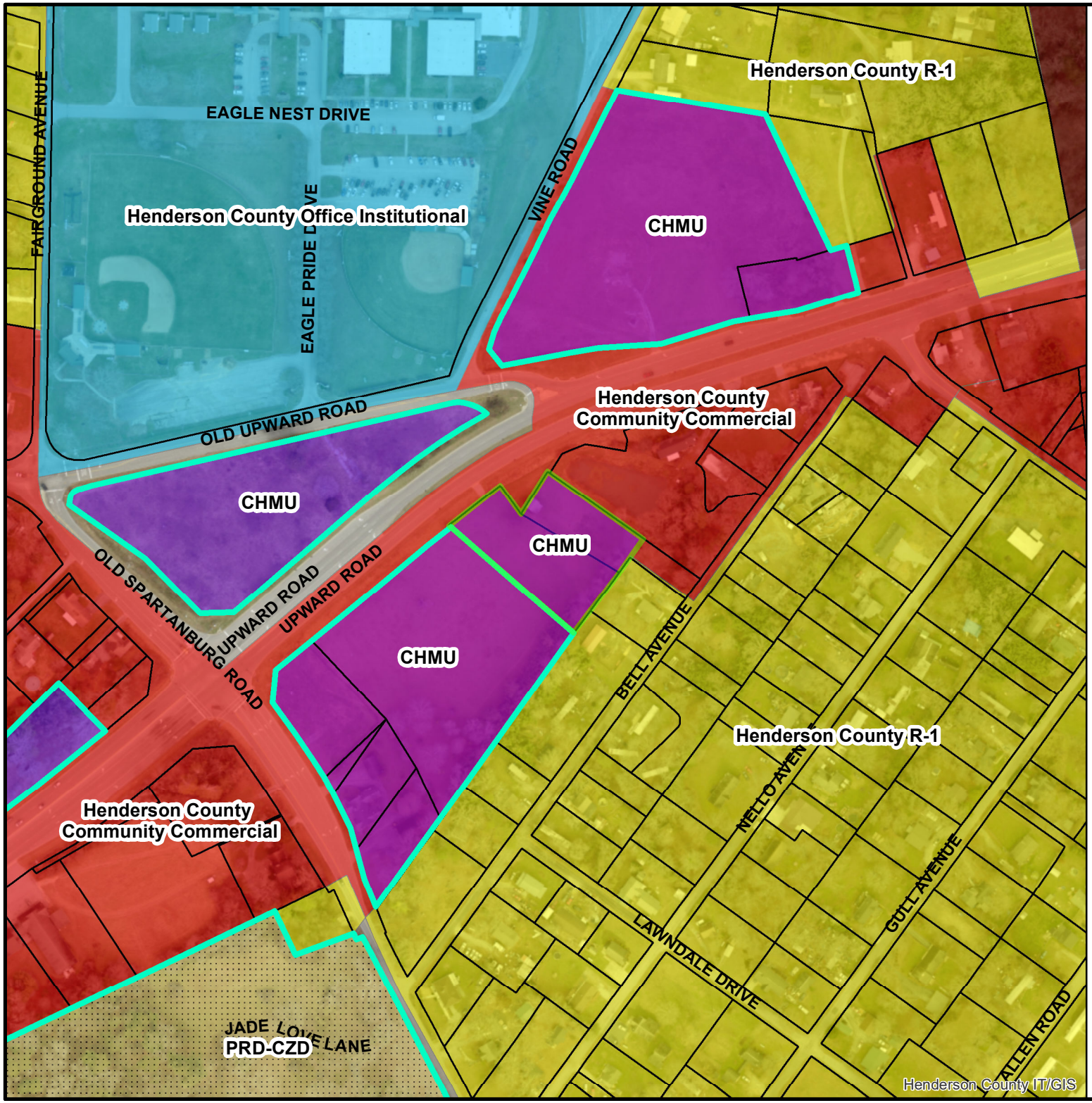
Adopted this 1st day of August 2024.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney



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Feet

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City of Hendersonville
June 2024

Upward Road (Hill) Zoning

P24-36-RZO

PIN: 9577-99-0735

Acreage: 1.20

Proposed Zoning

Subject Property (CHMU)

Hendersonville City Limits

Hendersonville Zoning

Planned Residential Development Conditional Zoning District

CHMU Commercial Highway Mixed Use

Henderson County Zoning

Community Commercial

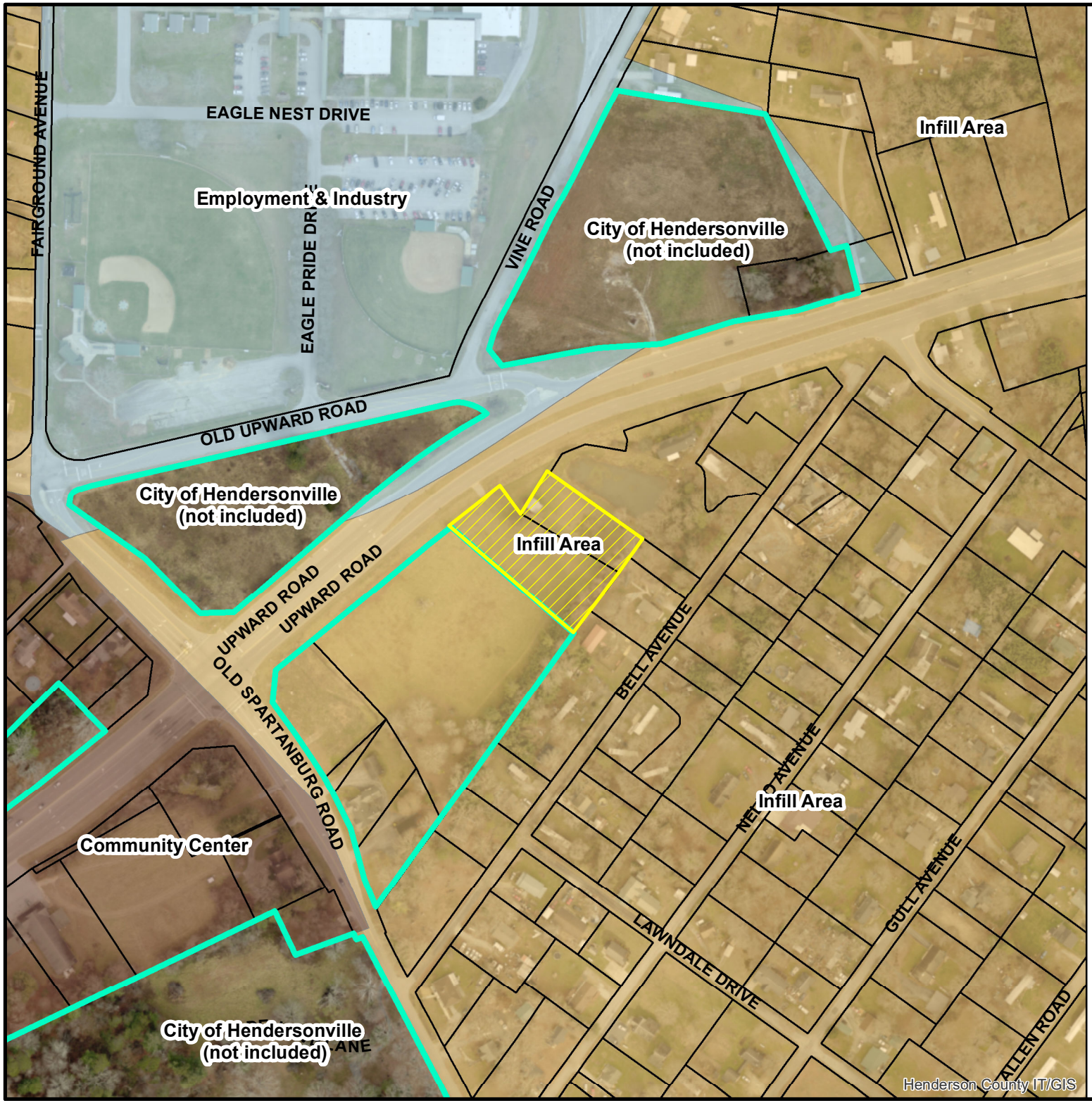
RC - Regional Commercial

OI - Office Institutional District

R-1 - Residential 1

THE CITY OF HENDERSONVILLE · N.C.
1847

Community Development Department



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N E S

City of Hendersonville
June 2024

Upward Road (Hill) Zoning

P24-36-RZO

PIN: 9577-99-0735

Acreage: 1.20

Future Land Use Map (County)

Subject Property

Hendersonville City Limits

Henderson County 2045 Future Land Use

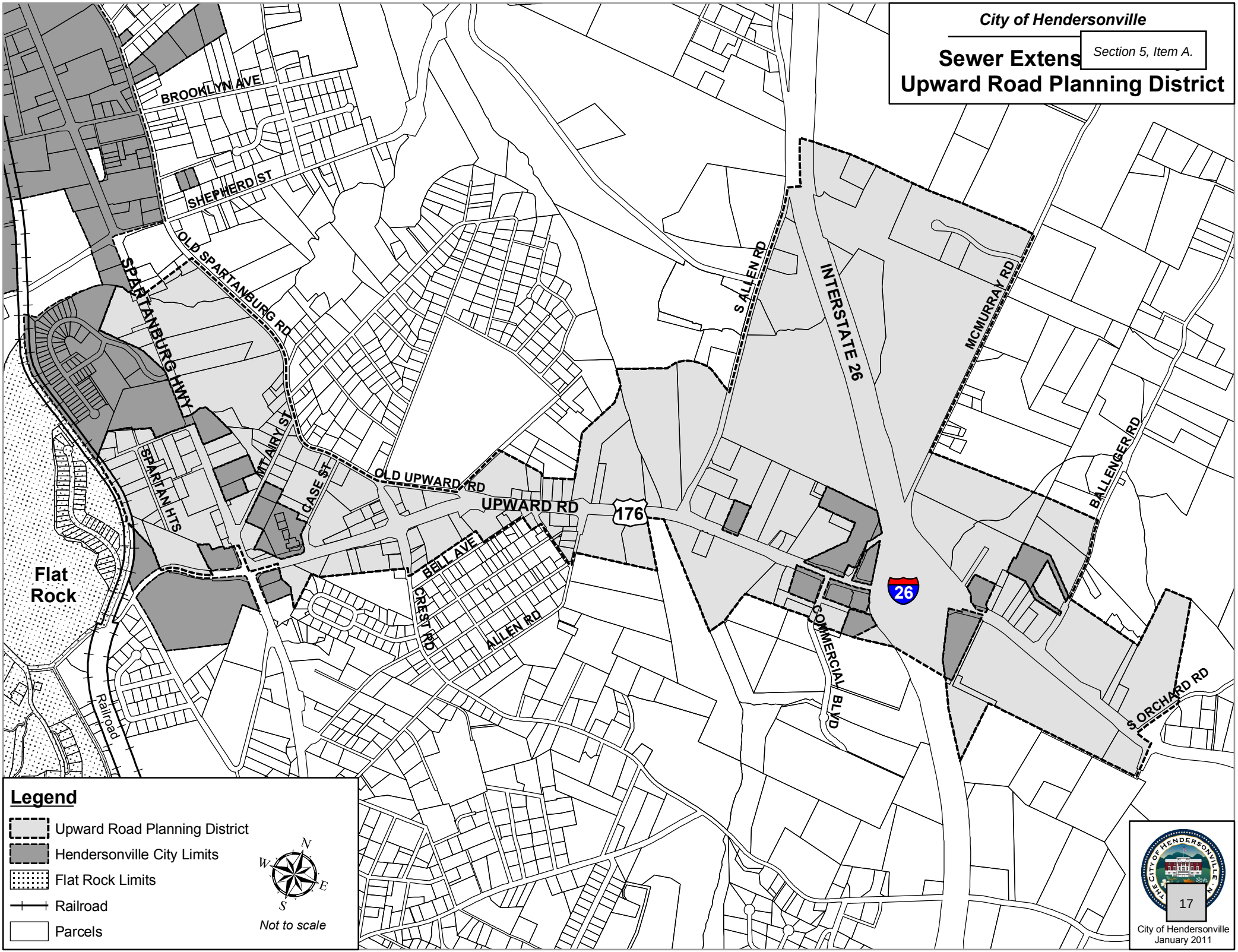
Community Center

Employment & Industry

Infill Area

City of Hendersonville

Sewer Extens
Upward Road Planning District



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley, Long-Range Planning Manager	**MEETING DATE:**	July 11, 2024
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – First Ave Villas (P24-26-CZD) – *Matthew Manley, AICP – Long-Range Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning - designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated June 28, 2024] and presented at this meeting and subject to the following:

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

a) Residential, Multi-Family
- 18 - 2 Bedroom Units

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

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

1) …

3(2). The petition is found to be inconsistent with the City of Hendersonville 2030 Comprehensive

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central 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 the public hearing, and because:

The petition is inconsistent with a range of goals and strategies for *Medium Intensity Neighborhood* in the City's 2030 Comprehensive Plan, in particular the maximum recommended density of 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 petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.
2. The petition proposes a density that is out of character with the surrounding neighborhood
3. The petition would generate excessive traffic, noise and light in an existing residential neighborhood.

Plan based on the information from the staff analysis and because: The petition is inconsistent with a range of goals and strategies for *Medium Intensity Neighborhood* in the City's 2030 Comprehensive Plan, in particular the maximum recommended density of 8 units per acre. **4(3). Therefore, we recommend designating the Future Land Use of the parcel as:** *Downtown Support* where multi-family residential is a primary recommended land use and minimal front setbacks, rear/side parking and façade articulation are recommended design features. **5(4). We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:** 1. The petition incorporate a mix of housing types into an existing urban neighborhood 2. The petition provides an efficient use of property in the core of the city 3. The petition would place residents within an area of existing city services and infrastructure 4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation. **[DISCUSS & VOTE]**	**[DISCUSS & VOTE]**

SUMMARY: *The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Rafique Charania of ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to amend the current Conditional Zoning District for the construction of two three/four story buildings comprised of 18 residential units on a .57 acre parcel. The current site plan depicts 21 on-site parking spaces with additional public on-street parking to be delineated.*

There will be open space located at the front of the property. The parking is located at the center and rear of the property, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage.

PROJECT/PETITIONER NUMBER:	P24-026-CZD
PETITIONER NAME:	Sarah McCormick [applicant] Rafique Charania of ARY Development LLC [owner]
ATTACHMENTS:	1. Staff Report 2. Proposed Site Plan 3. Neighborhood Compatibility Summary 4. Draft Ordinance 5. Proposed Zoning Map 6. Application / Owner Signature Addendum / LLC Record

ARY Development LLC

FIRST AVE VILLAS

Hendersonville, NC

OWNER

ARY Development LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

DEVELOPER

ARY Development LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

CONTRACTOR

TBD
ADDRESS

PHONE
CONTACT NAME

ARCHITECT

PEACOCK ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
828.696.4000

SARAH@PEACOCKARCHITECT.COM
SARAH McCORMICK
ARCHITECTURAL DESIGNER

TAMARA@PEACOCKARCHITECT.COM
TAMARA PEACOCK
ARCHITECT

CIVIL ENGINEER

FEI ENGINEERING
7 GLENN BRIDGE RD, STE H
ARDEN, NC 28704
828.696.0807

TYLER WAGNER
TWAGNER@FEICONSULTING.COM
PROJECT MANAGER

BUILDING STATISTICS

BUILDING TYPE:	IIIB
SF:	1ST 4,830 SF
OCCUPANCY TYPE:	R-1
ALLOWABLE AREA (SM)	R-1: 16,000
SPRINKLERED:	NONE
SEPARATED USE:	NA
SEPARATION REQUIRED:	1 HR
INCIDENTAL USE:	NONE
OCCUPANCY LOAD:	R-1:12
PLUMBING REQUIREMENTS:	1 SINK, 1 TOILET, 1 SHOWER PER UNIT
PLUMBING PROPOSED	1 SINK, 1 TOILET, 1 SHOWER PER UNIT
LIFE SAFETY REQUIREMENTS:	SEE A005

SITE STATISTICS

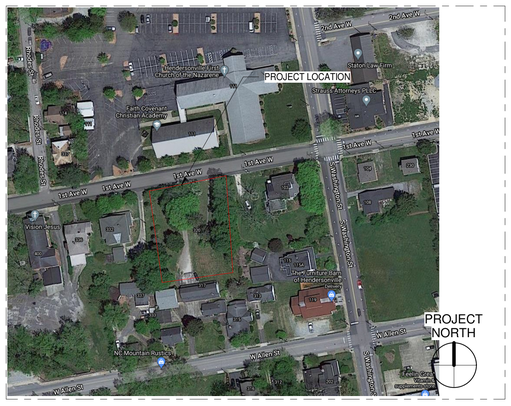
	PROVIDED	REQUIRED
PROP LOC:	**320 FIRST AVE. W.**	
BLOCK:	**--**	
PIN:	**9568771057**	
OWNER:	**ARY Development LLC**	
ZONING:	**CMU-CZD**	
ACREAGE:	**0.57 ACRES**	
IMPERVIOUS %:	**60%**	**80% MAX**
PROPOSED USE:	**18 MULTI-FAMILY UNITS**	
FLOOD DISTRICT:	**N**	
DOMESTIC WASTEWATER:	**PUBLIC SEWER**	
WATER:	**PUBLIC**	
ADA PARKING:	**1 ADA**	**1 ADA**
PARKING:	**23 SPACES**	**18 SPACES**
TREES TO BE REMOVED:	**16**	
NEW TREES TO BE PLANTED:	**12**	
TREES IN OPEN SPACE AREA:	**3**	**3**
FRONT SETBACK (FIRST AVE)	**12' 0" FROM CURB**	**12' 0" FROM CURB**
SIDE SETBACK (CMU)	**8' 0"**	**8' 0"**
REAR SETBACK	**5' 0"**	**0' 0"**
SIDE SETBACK (R-6)	**8' 0"**	**8' 0"**
LANDSCAPE BUFFER	**5' 0"**	**5' 0"**
BIKE RACKS	**4**	**0**

1 / A001 **3D Cover Sheet View - Large**

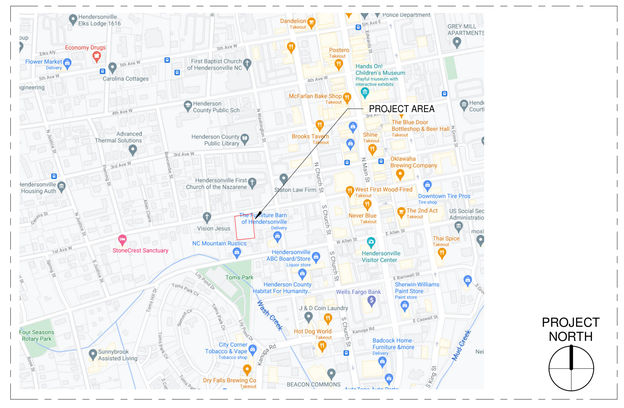
SCOPE OF WORK:

FIRST AVE UNITS:
1. 2 NEW CONDO BUILDINGS WITH 9 NEW UNITS EACH

SITE MAP



VICINITY MAP



Sheet List	
Sheet Number	Sheet Name
A001	COVER SHEET
G-17-300	SITE SURVEY
H4D054	TREE SURVEY
SP 101	OVERALL SITE PLAN
SP102	CROSS STREET PARKING
MEP101	WATER AND SEWER PLAN
A104	SECOND LEVEL FLOOR PLAN
A401	EXTERIOR ELEVATIONS
A402	EXTERIOR ELEVATIONS

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:
FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:
COVER SHEET

REVISIONS:

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DATE: 6/28/2024 12:20:26 PM
PROJ. NO.: CHECKER
DRAWN BY: AUTHOR | PROJ MNGR.: DESIGNER
REVISED BY: CHECKER | CERT.: APPROVER

SHEET NO.:
A001

NORTH CAROLINA
HENDERSON COUNTY

I, Sharon M. McCall, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Sharon M. McCall 2/12/19
REVIEW OFFICER DATE

NORTH CAROLINA
HENDERSON COUNTY

THIS INSTRUMENT WAS FILED FOR REGISTRATION THIS THE 12TH DAY OF FEBRUARY, 2019 AT 2:13 PM O'CLOCK IN PLAT SLIDE NUMBER 11633

William Lee King
REGISTER OF DEEDS

BY: William Lee King ~~DEPUTY~~

BOOK 2019 PAGE 11633 (1)
898307

This document presented and filed:
02/12/2019 02:13:50 PM
WLK
WILLIAM LEE KING, Henderson COUNTY, NC

SLIDE 11633

LEGEND

DB . . DEED BOOK
PG . . PAGE
MNS . . MAG NAIL SET
RBF . . REBAR FOUND
OTF . . OPEN TOP PIPE FOUND
UP . . UTILITY POLE
W . . WATER METER
CO . . CLEAN OUT
S . . SEWER MANHOLE
● . . IRON FOUND OR SET AS NOTED
○ . . CALCULATED POINT - NOT SET

REFERENCES

DB 3131 PG 595
DB 1086 PG 492
DB 1459 PG 198
SLIDE - 6250
SLIDE - 8244
DB 572 PG 589
DB 1068 PG 396
DB 1182 PG 508
DB 874 PG 789

NOTES

SUBJECT PROPERTY TIED TO NC GRID NAD '83 (2011) BY GPS OBSERVATION.

ORIGINAL BOUNDARY SURVEY COMPLETED ON MARCH 6, 2017. THIS SURVEY IS TO SUBDIVIDE PARENT TRACT.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF OTHER UNDERGROUND UTILITIES/STRUCTURES MAY BE PRESENT AND NOT SHOWN. PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.

NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY.

NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

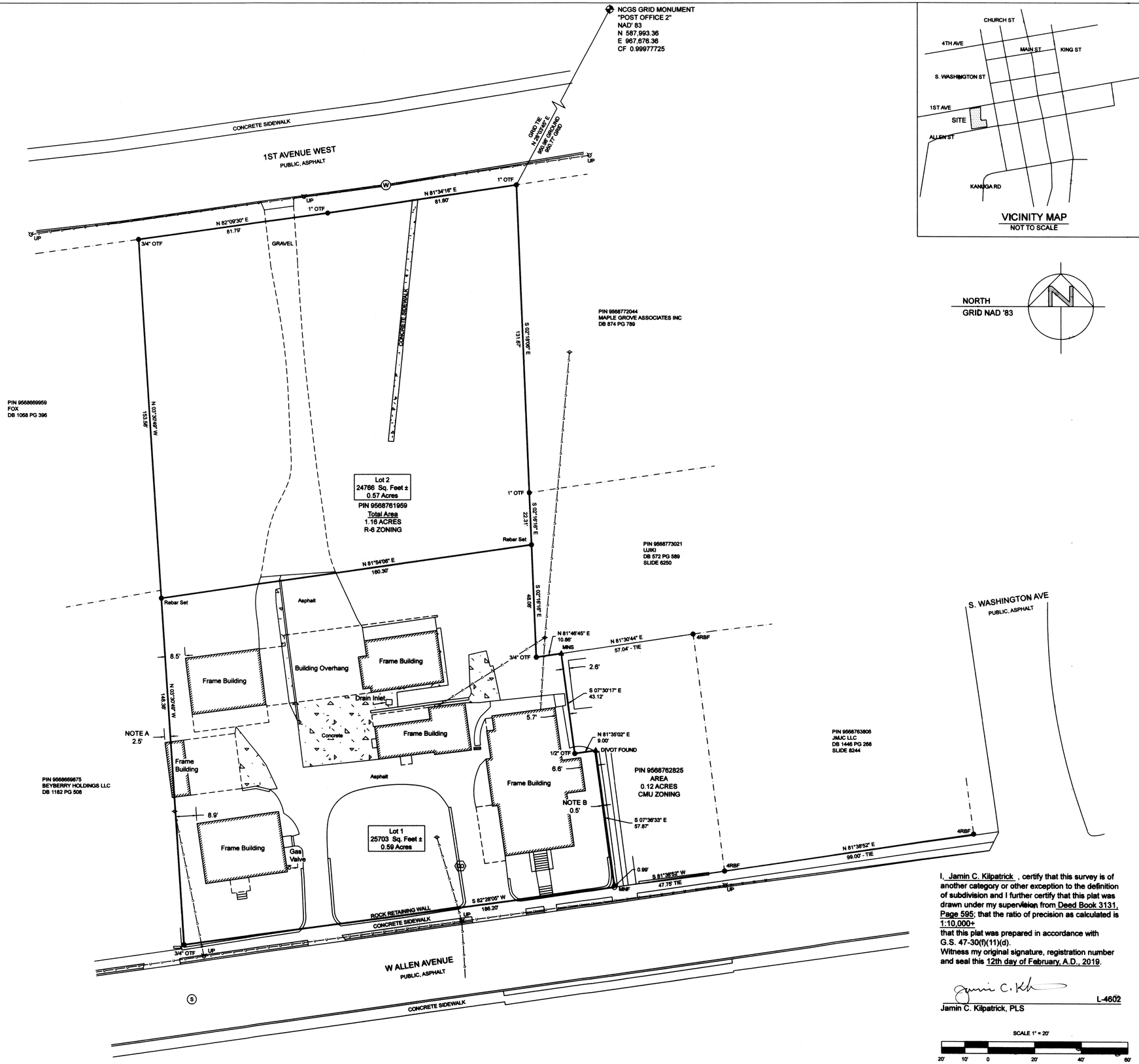
AREA BY COORDINATE COMPUTATION.

PROPERTY LINES SHOWED AS DASHED WERE NOT FIELD SURVEYED. THEY WERE PLOTTED FROM RECORD DOCUMENTS.

THERE IS A POSSIBLE 2.5' BUILDING ENCROACHMENT, SHOWN HEREIN AS "NOTE A."
THERE IS A POSSIBLE 0.5' DRIVEWAY ENCROACHMENT, SHOWN HEREIN AS "NOTE B."

PIN 9568761959 CURRENTLY ZONED R-6 BY THE CITY OF HENDERSONVILLE.
SETBACKS: FRONT - 20' REAR - 10' SIDE - 8'.

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.



NORTH
GRID NAD '83

I, Jamin C. Kilpatrick, certify that this survey is of another category or other exception to the definition of subdivision and I further certify that this plat was drawn under my supervision from Deed Book 3131, Page 595; that the ratio of precision as calculated is 1:10,000+
that this plat was prepared in accordance with G.S. 47-30(f)(11)(d).
Witness my original signature, registration number and seal this 12th day of February, A.D., 2019.

Jamin C. Kilpatrick L-4602
Jamin C. Kilpatrick, PLS

NORTH CAROLINA PROFESSIONAL SEAL L-4602 LAND SURVEYOR JAMIN C. KILPATRICK

KILPATRICK LAND SURVEYING PLLC
PO BOX 2705, HENDERSONVILLE, NC 28793
828-606-4797 www.klspllc.com P-0508

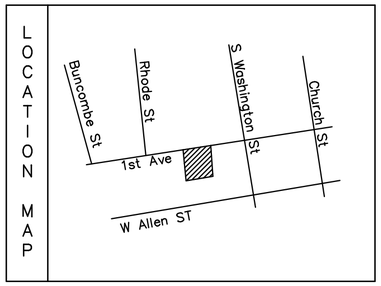
SUBDIVISION OF PROPERTY FOR:
RIDDLE DEVELOPMENT, LLC

CURRENT OWNER:
RIDDLE DEVELOPMENT LLC

City of Hendersonville, Hendersonville Township
Henderson County, North Carolina

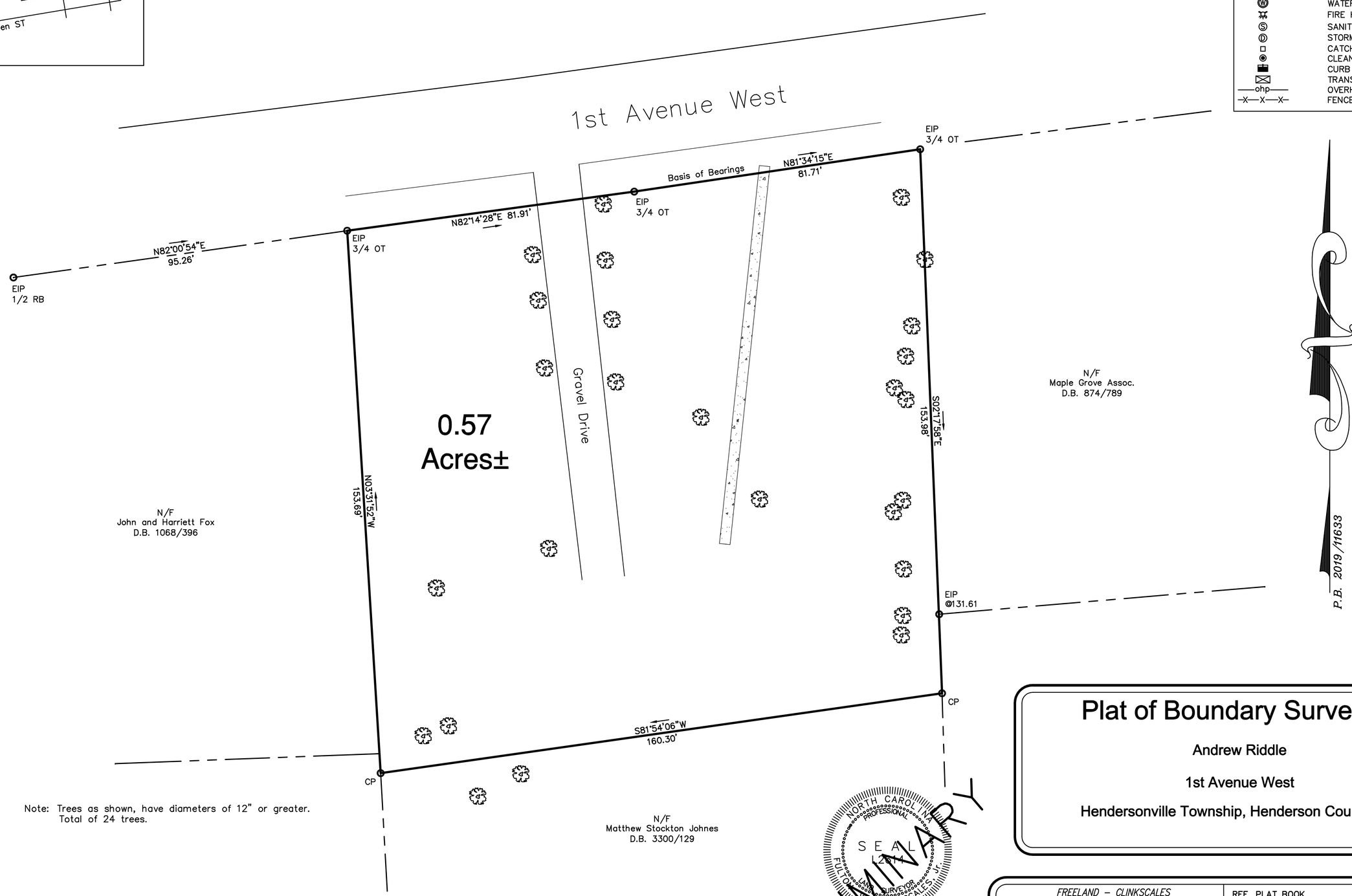
PIN 9568761959

Date	6 MARCH 2017
Drawn By	JCK
Scale	1" = 20'
Revision	02-12-19
Dwg No.	G-17-300



LEGEND:

○	NIP	NEW IRON PIN
○	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT ONLY
		POWER POLE
		LIGHT POLE
		WATER VALVE
		GAS VALVE
		WATER METER
		FIRE HYDRANT
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CATCH BASIN
		CLEANOUT
		CURB INLET
		TRANSFORMER
—ohp—		OVERHEAD POWER
—X—X—X—		FENCE LINE



Note: Trees as shown, have diameters of 12" or greater. Total of 24 trees.

Plat of Boundary Survey for

Andrew Riddle

1st Avenue West

Hendersonville Township, Henderson County, N.C.

NORTH CAROLINA PROFESSIONAL SEAL L2614 LAND SURVEYOR FULTON T. CLINKSCALES, Jr.

LB C-1562

PRELIMINARY

Not valid without the signature and the original seal of a North Carolina licensed land surveyor.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.

FREELAND – CLINKSCALES &ASSOCIATES, INC. OF N.C.
*ENGINEERS * LAND SURVEYORS*
201 2nd AVE. EAST
HENDERSONVILLE, N.C. 28792
fcaofnc@outlook.com
(828) 697-6539
Fax (828)-697-4195
Firm No. C-1562

REF. PLAT BOOK	2019/11633
REF. DEED. BOOK	3131/595
TAX MAP	9568-77-1057
PARTY CHIEF	FVC
DRAWN	BLB
DATE	January 27, 2020
DWG.NO.	H40054

Sheet No. 1 of 1

SITE STATISTICS CONT.

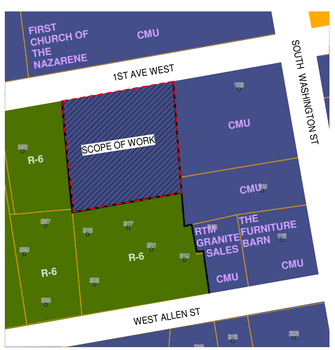
SITE COVERAGE :	
BUILDING FOOTPRINT	**BUILDING 1) 2,432 SF**
	BUILDING 2) 2,432 SF
STREETS AND PARKING	**10,568 SF**
GROSS FLOOR AREA	**20,646 SF**
COMMON OPEN SPACE	**1,331 SF (1032.3 SF REQ'D - 5%)**
PHASING	**TO BE COMPLETED IN ONE PHASE**

SITE STATISTICS

	PROVIDED	REQUIRED
PROP LOC:	**320 FIRST AVE. W.**	
BLOCK:	**--**	
PIN:	**9568771057**	
OWNER:	**ARY Development LLC**	
ZONING:	**CMU-CZD**	
ACREAGE:	**0.57 ACRES**	
IMPERVIOUS %:	**60%**	**80% MAX**
PROPOSED USE:	**18 MULTI-FAMILY UNITS**	
FLOOD DISTRICT:	**N**	
DOMESTIC WASTEWATER:	**PUBLIC SEWER**	
WATER:	**PUBLIC**	
ADA PARKING:	**1 ADA**	**1 ADA**
PARKING:	**23 SPACES**	**18 SPACES**
TREES TO BE REMOVED:	**16**	
NEW TREES TO BE PLANTED:	**12**	
TREES IN OPEN SPACE AREA:	**3**	**3**
FRONT SETBACK (FIRST AVE)	**12' 0" FROM CURB**	**12' 0" FROM CURB**
SIDE SETBACK (CMU)	**8' 0"**	**8' 0"**
REAR SETBACK	**5' 0"**	**0' 0"**
SIDE SETBACK (R-6)	**8' 0"**	**8' 0"**
LANDSCAPE BUFFER	**5' 0"**	**5' 0"**
BIKE RACKS	**4**	**0**

NOTES:

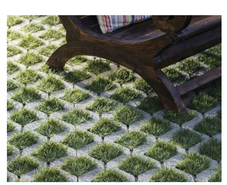
- **SITE LIGHTING WILL BE ADDRESSED AT FINAL SITE PLAN AND WILL BE COMPLIANT WITH SECTION 6-19 OF THE ZONING CODE**
- **HOA WILL BE RESPONSIBLE FOR MAINTENENCE OF URBAN OPEN SPACE AND COMMON AREAS**
- **DETAILED LANDSCAPING PLAN WILL BE PROVIDED WITH THE FINAL SITE PLAN**
- **DUMPSTER AND RECYCLING AREA TO MEET THE SCREENING REQUIREMENTS OF 15-19-3.3c**



ZONING MAP
1" = 100'-0"

MATERIAL LEGEND

TURFSTONE PERMEABLE PAVERS WITH ARTIFICAL TURF



ADJACENT PROPERTIES:

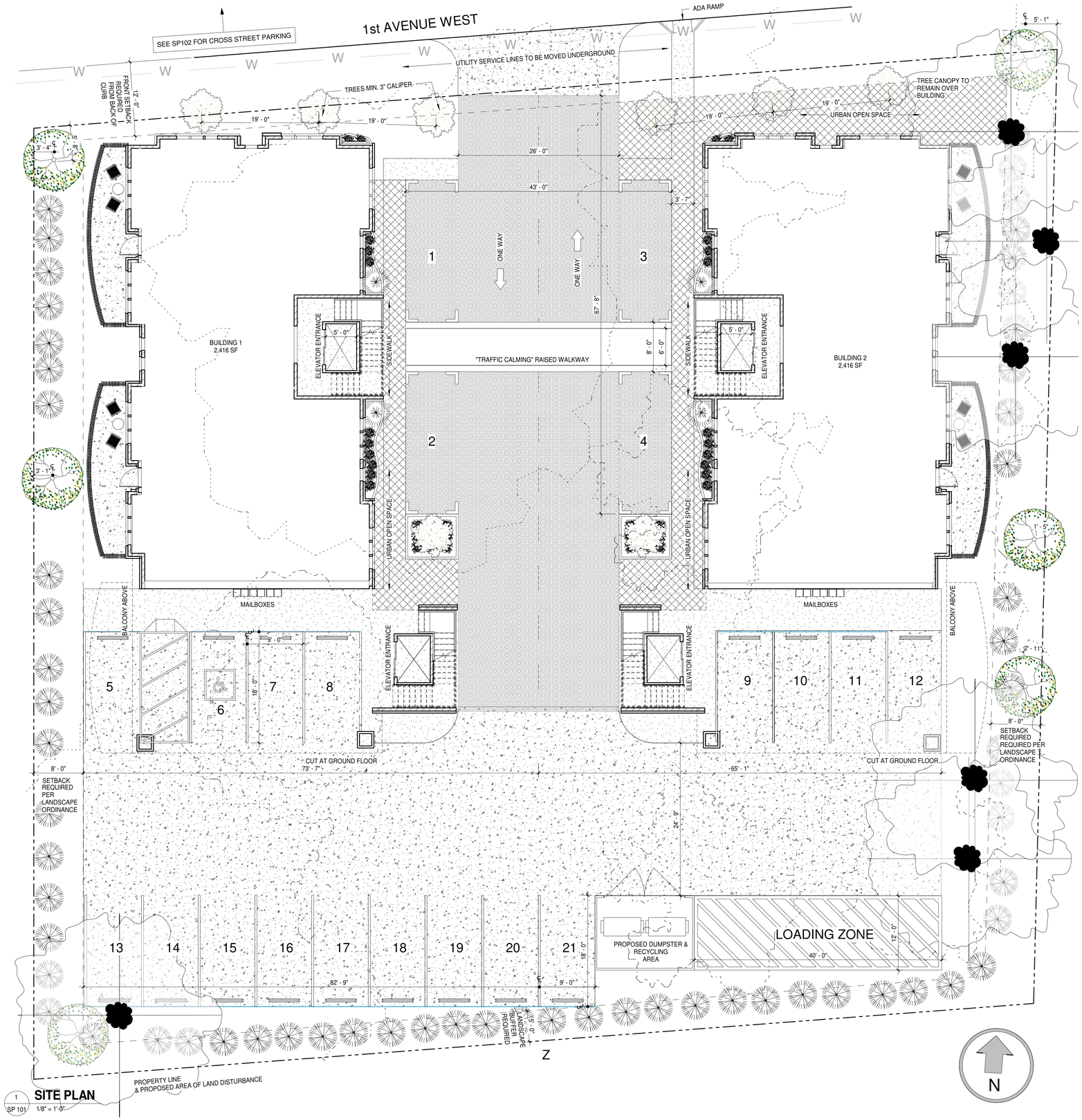
ADJACENCY	ADDRESS	ZONING	PROPERTY OWNER
NORTH	111 N WASHINGTON ST	CMU	FIRST CHURCH OF THE NAZARENE
EAST	103 S WASHINGTON ST	CMU	MAPLE GROVE ASSOC INC
EAST	115 S WASHINGTON ST	CMU	NENON L. UJIKI
SOUTHEAST	119 S WASHINGTON ST	CMU	JMJC, LLC
SOUTHEAST	313 W ALLEN ST	CMU	MATT JOHNES, LLC
SOUTH	315 W ALLEN ST	R-6	MATT JOHNES, LLC
SOUTHWEST	337 W ALLEN ST	R-6	BEYBERRY HOLDINGS, LLC
WEST	332 1ST AVE W	R-6	JOHN E. FOX, HARRIETT W. FOX

EXISTING TREE LEGEND

EXISTING TREE TO REMAIN

EXISTING TREE TO BE DEMOLISHED

EXISTING TREE CANOPY



1 SP 101 **SITE PLAN** 1/8" = 1'-0"

PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

TAMARA PEACOCK, R.A
REGISTRATION NO. 12289

ISSUED FOR:

DATE:

SHEET NAME:

OVERALL SITE PLAN

REVISIONS:

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DATE: 6/28/2024 12:24:24 PM
PROJ. NO.: CHECKER
DRAWN BY: AUTHOR | PROJ MNGR.: DESIGNER
REVISED BY: CHECKER | CAPT.: APPROVER

SHEET NO.: **SP 101**

1 SP102 **STREET PARKING**
1/16" = 1'-0"

PEACOCK ARCHITECTS

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THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

CROSS STREET PARKING

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DATE: 6/28/2024 12:23:04 PM
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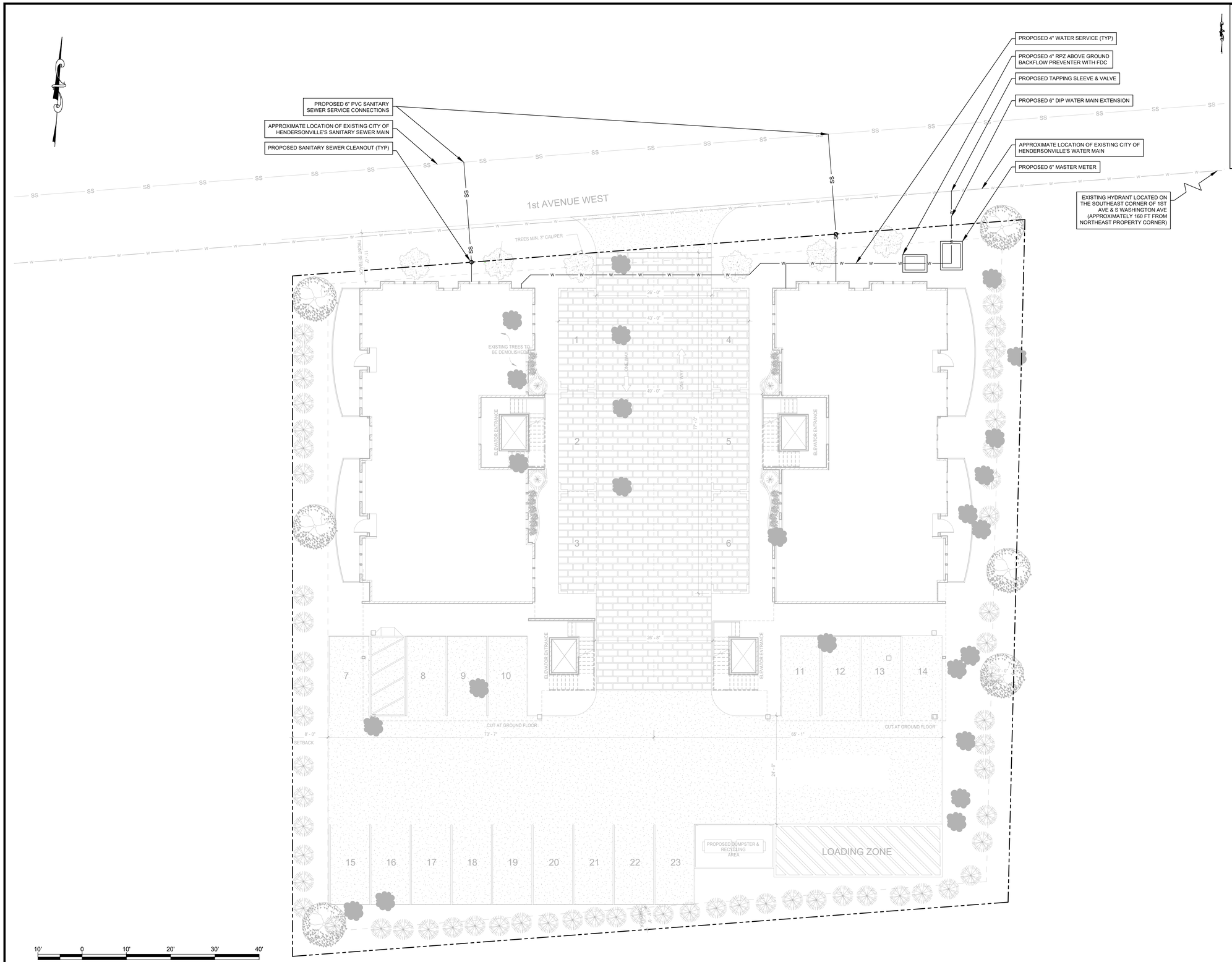
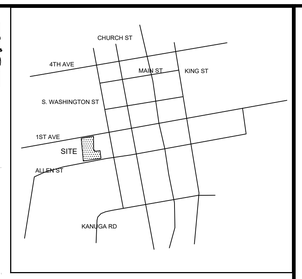
DRAWN BY: AUTHOR | PROJ MNGR.: DESIGNER
REVISED BY: CHECKER | CAPT.: APPROVER

SHEET NO.:

SP102





VICINITY MAP
N.T.S

SITE DATA:
OWNER: ARY DEVELOPMENT LLC
SITE ADDRESS: 320 FIRST AVE. W.
SITE PIN: 9568771057

NOTES:
1. THE PROPOSED DEVELOPMENT IS ANTICIPATED TO BE SERVED BY CITY OF HENDERSONVILLE'S SEWER & WATER.

2. THE SITE LAYOUT HAS BEEN PREPARED BY PEACOCK ARCHITECTS AND HAS BEEN UTILIZED AS A DESIGN BASIS FOR THE PROPOSED UTILITY IMPROVEMENTS.

3. UTILITY INFORMATION SHOWN HEREIN HAS BEEN PREPARED BY FEI AND IS SUBJECT TO CHANGE. ALL LOCATIONS ARE APPROXIMATE.

4. ALL PROPOSED UTILITY SERVICE LINES WILL BE LOCATED UNDERGROUND.

5.THIS PLAN IS FOR REVIEW PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

Civil Engineers and Land Surveyors
8518 Triad Drive, Colfax, NC 27235
www.feiconsulting.com
(336) 852-9797
License No. C-0950

FIRST AVE VILLAS

UTILITY PLAN

DEVELOPER INFORMATION:
ARY DEVELOPMENT LLC
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC, 28803

PROJECT LOCATION:
CITY: HENDERSONVILLE
COUNTY: HENDERSON
STATE: NORTH CAROLINA

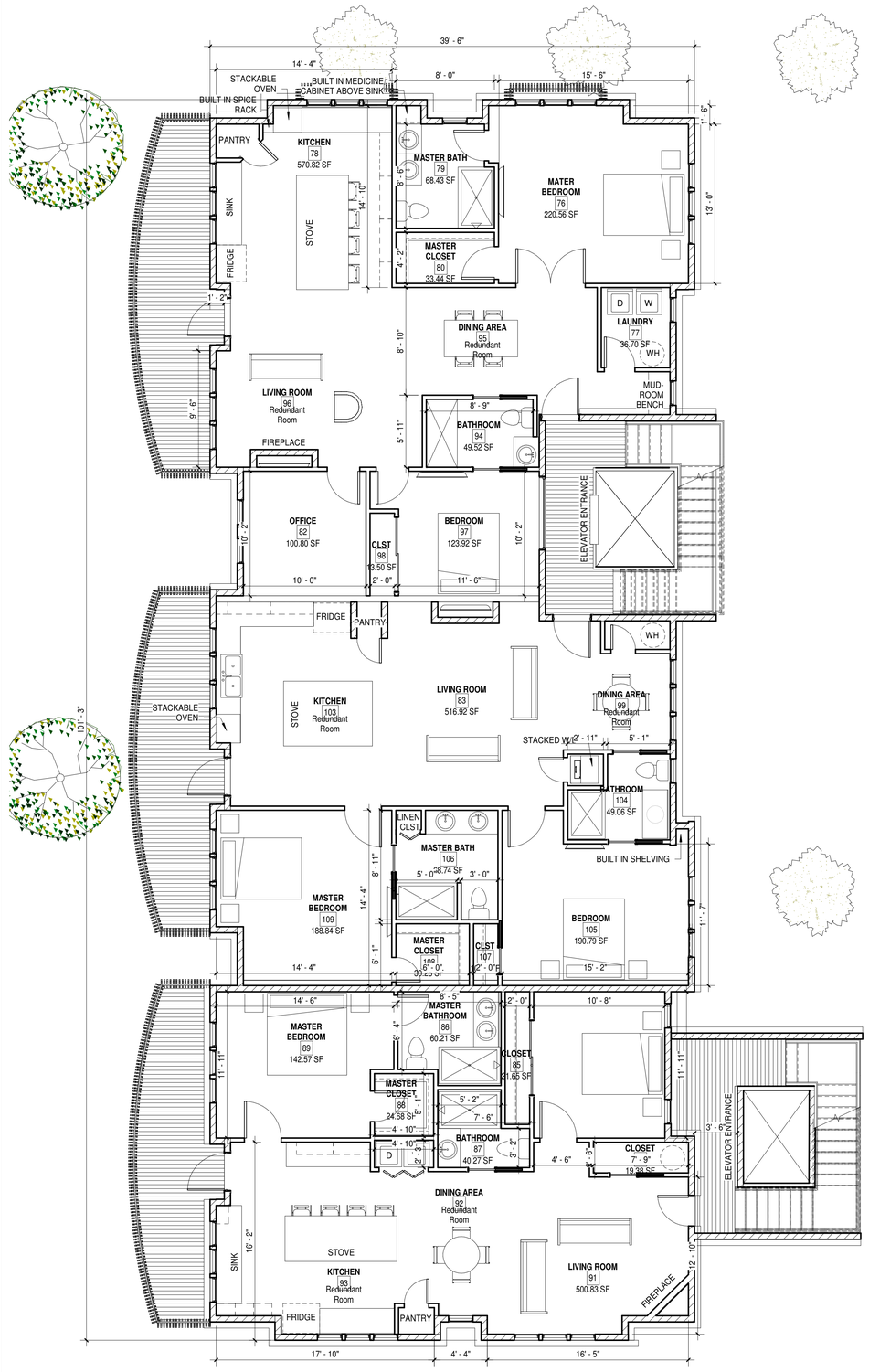
NO	DATE	REVISION NOTE
1	6-21-2024	REVISED PER CITY COMMENTS
2		
3		
4		
5		

G:\Projects\2024\2024-03\2024-03-13 First Avenue Villas\00000.001 1st Avenue Villas\Drawing\Sheets

DRAWN BY: LBC
CHECKED BY: TJW
DATE: 06/13/2024
PROJECT NO.: 00000.001
REF. NO.:
SCALE: 1"=10'

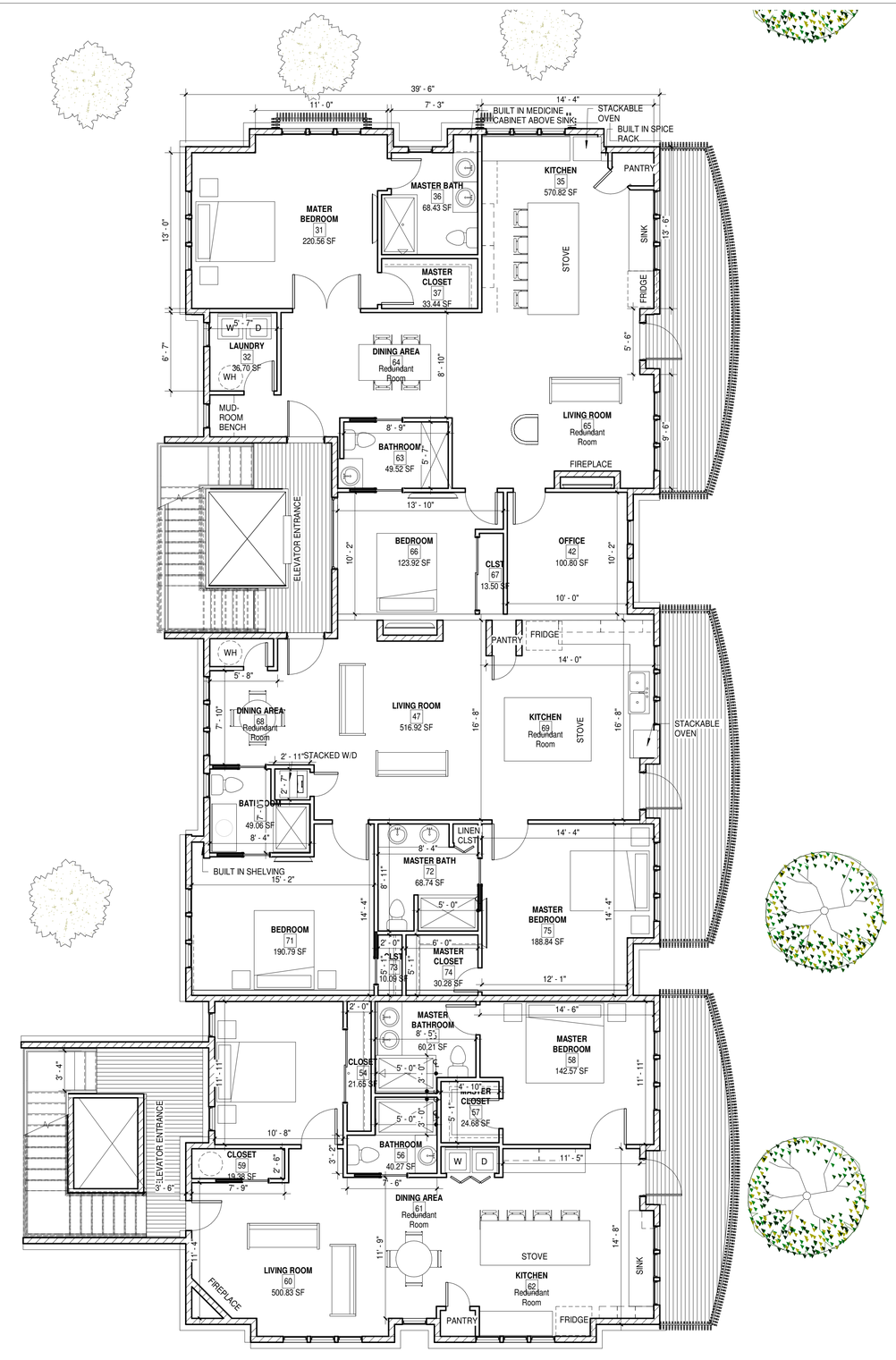
PRELIMINARY NOT FOR CONSTRUCTION

SHEET
1 OF 1



1 A104 **Second Floor 2 BED UNITS**

3/16" = 1'-0"



PEACOCK ARCHITECTS

PROJECT DESIGN TEAM:

THE TAMARA PEACOCK CO. ARCHITECTS

129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

OWNER:

PROJECT NAME:

FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

SECOND LEVEL FLOOR PLAN

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DATE: 6/28/2024 12:20:32 PM

PROJ. NO.: CHECKER

DRAWN BY:	PROJ MNGR.:
AUTHOR	DESIGNER
REVISED BY:	CAPT.:
CHECKER	APPROVER

SHEET NO.: **A104**

1 A401 **NORTH ELEVATION**
1/8" = 1'-0"

2 A401 **EAST ELEVATION**
1/8" = 1'-0"

PEACOCK ARCHITECTS

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PHONE: 828.696.4000
LICENSE #12289

OWNER:

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FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

TAMARA PEACOCK, R.A
REGISTRATION NO.:12289

ISSUED FOR:

DATE:

SHEET NAME:

EXTERIOR ELEVATIONS

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DATE: 6/28/2024 12:20:54 PM
PROJ. NO.: CHECKER

DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

A401

1 / A402 **SOUTH ELEVATION**
1/8" = 1'-0"

2 / A402 **COURTYARD ELEVATION**
1/8" = 1'-0"

PEACOCK ARCHITECTS

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HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289

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FIRST AVE VILLAS

320 1ST AVE W HENDERSONVILLE, NC 28792

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REGISTRATION NO.:12289

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DATE:

SHEET NAME:

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DATE: 6/28/2024 12:21:13 PM
PROJ. NO.: CHECKER

DRAWN BY: AUTHOR	PROJ MNGR.: DESIGNER
REVISED BY: CHECKER	CAPT.: APPROVER

SHEET NO.:

A402

NEIGHBORHOOD COMPATIBILITY MEETING REPORT
FIRST AVE VILLAS (P24-26-CZD)
NCM MEETING DATES: JUNE 6TH, 2024

PETITION REQUEST: Rezoning: First Ave Villas- Conditional Zoning District (CMU-CZD)

APPLICANT/PETITIONER: ARY Development LLC (Applicant)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on June 6th, 2024, at 2pm in the Assembly Room of the City Operations Building, 305 Williams Street and via Zoom. The meeting lasted approximately 1 hour and 30 minutes.

There were 6 members of the public in attendance in-person while 7 attended virtually. The applicant and their development team were present with a total of 5 attendees. The City was represented with 2 members Planning staff.

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

There were six pre-submitted which were provided to the developer at the meeting. The developer was able to respond to the comments and questions.

The development team was allowed to present their project proposal for the proposed apartment development.

Concerns and questions from the public related to:

- Concern over affordability for current Hendersonville residents.
- Gentrification and displacement of current residents along First Avenue.
- Property tax increases could negatively impact residents along First Avenue.
- What is the price point that the developer will sell the condos at?
- Overflow vehicles parked on either side of First Ave can cause dangerous road conditions.
- Increase in traffic from development.
- Need for a written agreement between the Church of Nazarene and the Developer for extra parking.
- Massing and density not appropriate for neighborhood.
- Architecturally incompatibility with the neighborhood.
- Overall height of the property and the invasion of privacy caused by the upper floor balconies.

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

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 18 multi-family residential units on 1st Ave W; and

WHEREAS, the Planning Board took up this application at its regular meeting on July 11, 2024; voting 0-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on August 1, 2024, 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: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District)

2. Development of the parcel pursuant to this Ordinance is subject to the following.

   a. Development shall comply with the site plan submitted by the applicant dated June 28, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].

   b. Permitted uses shall include:
      i. Residential, Multi-Family - 18 Units

   c. Additional conditions that shall be satisfied prior to final site plan approval include:
      i.

3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

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

Adopted this 1st day of August 2024.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

Applicant/Developer: Sarah McCormick, Peacock Architects

Signature:_____

Printed Name:_____

Title: _____

Date:_____

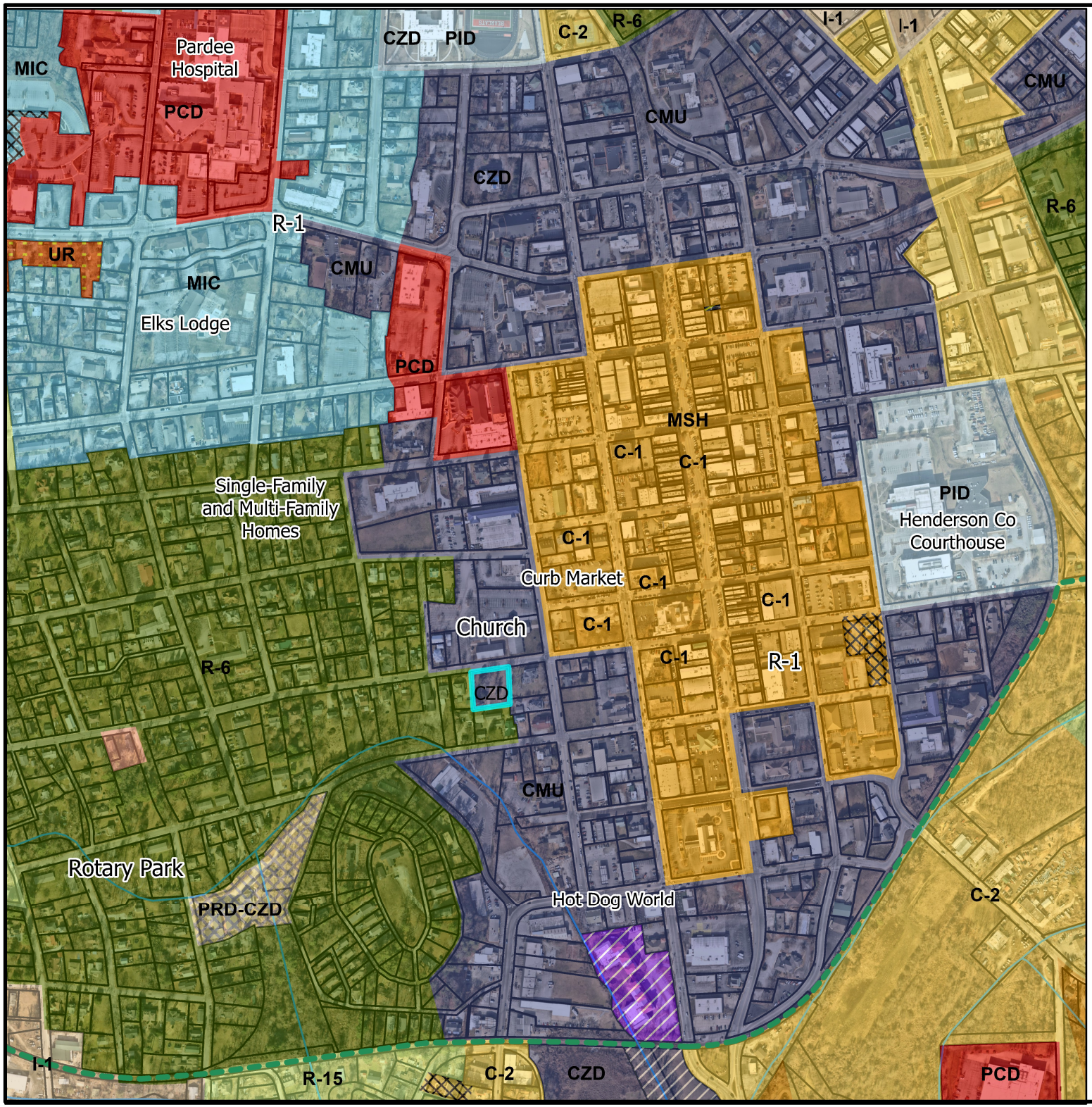
Property Owner: Rafique Charania, ARY Development LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____



0 245 490 980 Feet

N E S

City of Hendersonville

1st Ave Villas

P24-26-CZD

Conditional Rezoning (CMU-CZD to CMU-CZD)

PINs: 9568-77-1057

Acreage: 0.57 Acres

Proposed Zoning Map

- Parcels
- Streets
- Subject Property

Zoning

- CZD Conditional Zoning Districts
- MSH Main Street Historic Overlay District
- R-20 Low Density Residential
- R-15 Medium Density Residential
- R-6 High Density Residential
- R-6SU High Density Residential Special Use
- Planned Residential Development Conditional Zoning District
- UR Urban Residential
- MIC Medical, Institutional, Cultural
- MIC-SU Medical, Institutional, Cultural, Special Use
- PID Planned Institutional Development
- C-4 Neighborhood Commercial
- C-3 Highway Business
- C-2 Secondary Business
- C-2SU Secondary Business Special Use
- C-1 Central Business
- C-1SU Central Business Special Use
- CHMUSU Commercial Highway Mixed Use Special Use
- CMU Central Mixed Use
- CMUSU Central Mixed Use Specila Use
- PCD Planned Commercial Development
- I-1 Industrial
- Ecusta Trail

Community Development Department

Entry #: 26 - 5/14/2024 **Status:** Submitted **Submitted:** 5/14/2024 4:02 PM

Date:

5/14/2024

Name of Project

First Ave Villas

Address/Location of Property

1st Ave W (No address assigned)

List 10 digit PIN or 7 digit PID number for each property

9568771057

Check type of Development

Residential

Current Zoning

CMU-CZD

Proposed Zoning

CMU-CZD

List requested uses

Multifamily residential development

Total Acreage

0.57

Proposed Building Sq. ft.

6910

Dwelling Units

18

Conceptual Plan

1ST AVE APARTMENTS SCHEMATIC SET 5-13.pdf
4.4 MB

city_of_hendersonville_site_plan_review_application.pd
0.5 MB

Conditional Zoning District Petition
(Continued)

Proposed conditions for the site:

We are proposing two multifamily residential buildings to be erected with a total of 18 units. 19 parking spaces will also be provided.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary.

Explain consistency with the City's Comprehensive Plan:

The plan adds to the vibrant neighborhoods and abundant housing choices of downtown Hendersonville. This project allows for a diversity of ages, income levels and range of interests by providing a much needed type of housing within walking distance to downtown Hendersonville. The housing development is also designed with high quality materials in mind, and goes above and beyond the design guidelines provided by the city.

Explain compatibility with surrounding land uses:

All the surrounding land uses are either CMU or R-6. All properties along the north and east property lines are zoned CMU. All properties on the South and West property lines are zoned R-6, high-density residential. Since we are proposing a high-density residential project, it is compatible with both the R-6 and CMU neighbors.

Explain whether changed conditional require a map amendment:

No map amendment is needed since we are already zoned CMU-CZD

Explain how the petition is in the public interest:

The petition is in the best interest of the public because it allows for a type of housing that is desperately needed in a high-value location. This project is also designed with longevity and design character in mind in a way that would add value to the architectural fabric of downtown.

Explain whether adequate public facilities are available:

Sidewalks will be developed to ensure walkability around and in front of the building. A central green courtyard and water feature is visible from the street. A landscape buffer surrounding the building maintains the concept of a tree canopy between properties.

Explain the impact the petition would have on the natural environment:

The existing trees running through the middle of the site would have to be replaced with smaller trees to create a buffer around the edge of the property. 19 parking spaces and 2 entry/exit roads increase the amount of impervious surface surface area on site. Drainage would be added towards the back of the site (underneath the parking) to combat flooding. Green space would be maintained in the center and along the edges of the property.

Additional information:

Note additional approvals prior to issuance of Zoning Compliance Permit may include, but are not limited to:

1. Henderson County Sedimentation & Erosion Control Permit
2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by the Development Assistance Department

Signature pages for Conditional Zoning District Petition

Designated Agent

Rafique R Charania for ARY Development LLC

Address

17 OLDE EASTWOOD VILLAGE BLVD, ASHEVILLE, North Carolina 28803

Phone

(832) 265-0493

Email

rrcharania@gmail.com

Applicant Name

SARAH MCCORMICK

Company Name (if applicable)

PEACOCK ARCHITECTS

Entity Type

Corporation

Address

129 3RD AVE W, HENDERSONVILLE, North Carolina 28792

Signature

Phone

Title of Applicant (if applicable)

Signature of the property owner acknowledges 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.

Property Owner Name

RAFIQUE CHARANIA FOR ARY DEVELOPMENT LLC

Address

17 OLDE EASTWOOD VILLAGE BLVD, ASGEVILLE, North Carolina 28803

PID or PIN #

9568771057

Signature

Rafique Charania

Property Owner Name (if different from Applicant)

Company Name (if applicable)

Entity Type

Corporation

Address

PID or PIN #

Signature

Title of Property Owner (if applicable)

Signature pages for Conditional Zoning District Petition (continued)

Signature of the property owner acknowledges 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.

Property Owner Name

Company Name (if applicable)

Entity Type

Corporation

Address

PID or PIN #

Signature

Property Owner Name

Address

Signature

PID or PIN #

Title of Property Owner (if applicable)

Property Owner Name

Printed Company Name (if applicable)

Entity Type

Corporation

Address

Signature

PID or PIN #

Property Owner Title (if applicable)

Applicant(s): (Developer)

Printed Name Rafique R Charania for ARY Development LLC

☐ Corporation ☑ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title Member Email rrcharania@gmail.com

Address of Applicant 17 Olde Eastwood Village Blvd Asheville NC, 28803

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____ Email _____

Address of Applicant _____

• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Docume
Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

Limited Liability Company

Legal Name
ARY DEVELOPMENT LLC

Information

SosId: 2796480
Status: Current-Active ⓘ
Date Formed: 2/26/2024
Citizenship: Domestic
Annual Report Due Date: April 15th
Current**Annual Report Status:**
Registered Agent: CHARANIA, RAFIQUE R

Addresses

Mailing
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Principal Office
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Reg Office
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803

Reg Mailing
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE, NC 28803-1670

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

President
RAFIQUE R CHARANIA
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC 28803-1670

Vice President
YASMIN S CHARANIA
17 OLDE EASTWOOD VILLAGE BLVD
ASHEVILLE NC 28803-1670