



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, December 13, 2021 – 4:00 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Minutes of November 8, 2021

4. OLD BUSINESS

5. NEW BUSINESS

A. Major Subdivision: Preliminary Plat – Providence Walk (P21-66-SUB) – *Matthew Manley, AICP – Planning Manager*

B. Major Subdivision: Preliminary Plat – Half Moon Heights (P21-67-SUB) – *Matthew Manley, AICP – Planning Manager*

C. Zoning Text Amendment – Industrial Conditional Zoning District (P21-76-ZTA) – *Lew Holloway – Community Development Director*

D. Rezoning: Conditional Rezoning: Hendersonville Home 2 (P21-73-CZD) – *Alexandra Hunt, Planner I*

E. Rezoning: Conditional Rezoning: 137 & 139 E. Central St. (P21-72-CZD) – *Lew Holloway, Director & Alexandra Hunt, Planner I*

6. OTHER BUSINESS

A. Draft Lighting Ordinance Review – *Lew Holloway, Community Development Director*

7. ADJOURNMENT

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

**Minutes of the Planning Board
Regular Meeting - Electronic
November 8, 2021**

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

Members Absent:

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matthew Manley, Planning Manager, Jamie Carpenter, Downtown Manager, Alexandra Hunt, Planner I and Terri Swann, Administrative Assistant III

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Hanley moved for the agenda to be approved. The motion was seconded by Mr. Brown and passed unanimously.***
- III Approval of Minutes for the meeting of October 11, 2021. *Mr. Brown moved to approve the Planning Board minutes of the meeting of October 11, 2021. The motion was seconded by Mr. Hanley and passed unanimously.***
- IV Old Business - None**
- V New Business**
- V(A) Zoning Text Amendment– Application for a Zoning Text Amendment from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius Supplementary Standard associated with Private Clubs. Mr. Manley gave the following background:**

This is a text amendment for the zoning code petitioned by Casablanca Cigar Bar to remove the 600-foot spacing requirement for private clubs. Currently the Zoning Code's Supplementary Standards for Private Clubs are as follows: **16-4-20 Private Clubs. a) No private club shall be located within a 600-foot radius of another private club. b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.**

Currently private clubs are listed as a Special Use in the C-1, C-2, C-3, CMU, I-1 and PMD CZD zoning districts. It is also listed as a "limited" use under the Urban Residential Conditional Zoning District.

Private Clubs are defined as: *Any person, firm corporation, key club, bottle club, locker club, pool club or any kind of club or association having, possessing or requiring membership and excluding the general public from its premises or place of meeting, or congregating, or operating, or exercising control over any other place where persons are permitted to drink alcoholic beverages, consume food, observe entertainment, live or otherwise, play at video, mechanical or electronic games and/or dance, other than in a private home. Nothing in this definition or elsewhere in this ordinance permits a Private Club to conduct, contain or house an Electronic Gaming Operation in any district which is not otherwise expressly permitted by this ordinance.*

The North Carolina ABC Commission has a 30% rule on food sales for private clubs and bars. Any establishment with food sales under 30% would be considered a private club or bar.

There are currently four private clubs in Hendersonville. The Tobacco Merchant at 129 4th Avenue West – approved 7/9/19, Southern Appalachian Brewery located at 822 Locust Street, approved 10/26/10 (and longer has to operate as a private club due to the addition of microbreweries in the ordinance). Jeff Grier (axe throwing) located at 218 Duncan Hill Road, approved 8/14/18 and The Brandy Bar located at 504 7th Avenue East, approved 12/18/17.

The zoning map for private clubs was shown. Areas were highlighted where private clubs are permitted as a Special Use. Also, a 600-foot radius map was shown for private clubs in the C-1 District. Mr. Manley stated there is no language in the code on how to measure the radius so the simplest way to measure it is by the parcel.

Chapter 8 of the Comprehensive Plan does not have a dedicated chapter on economic development. However, Chapter 8 establishes the consistency for the reviewing of potential new uses (such as private clubs) under Strategy LU-1.1 which establishes the following: Encourage infill development and redevelopment in areas planned for high intensity development as indicated by Priority Infill Areas. Chapter 4 also establishes a goal to promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.

The Downtown Advisory Board Economic Development Sub-Committee met on November 2, 2021. Their discussion revolved around lessening the standards and creating more opportunities. There were questions about existing state regulations and existing private clubs. They reviewed some history of private clubs in downtown. They made some general recommendations. They were in favor of less restrictions for private clubs. They were in favor of a per block rule rather than a 300-foot radius. If a 300-foot distance measurement is used, the committee felt as though it should be measured by walking route distance rather than radius. This will be reviewed by the Downtown Advisory Board tomorrow at 4:00 pm.

The Planning Board Legislative Committee met October 21, 2021. Two Planning Board members attended along with City staff. Discussion revolved around providing more opportunities for businesses. The creation of "monopolies" within dense social/entertainment districts. The separation of uses in other less dense commercial districts. Recommended modifications to standards for C-1 and C-2. Their recommendations were: **16-4-20 Private Clubs.**

- a) Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within a 300-foot radius of another Private Club when located on the same street.
[OR - Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within 300-feet of another Private Club]
[OR - Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located on the same block face as another Private Club].
- b) In all other zoning districts where Private Clubs are permitted, either by-right or as a Special Use, No no private club shall be located within a 600-foot radius of another private club.
- c) The effect of such radius will be determined by the distance measured from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club.
[OR - The effect of such distance requirement will be determined by the distance measured along the shortest walking route from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club].
- d) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

The changes above have different options for a and c, "d" would stay the same. "b" would also stay the same with the requirements in all other zoning districts being the 600-foot radius. Mr. Manley explained the 300-foot requirement would be more linear than radius. He also explained that the downtown city blocks are 300 feet. Therefore, a private club could potentially be on each block but only one would be permitted per block.

Chair asked if there were any questions for staff.

Mr. Brown asked if approving "c" would eliminate the need for the petition. Mr. Manley stated this private club is less than a block from an existing private club.

Mr. Hanley stated the 600-foot requirement is relatively arbitrary to begin with. Downtown is fairly dense and fairly small. Mr. Manley explained with the 300-foot requirement per block, if a private club was in the middle of one block, it would have to be placed in the middle or end of the next block. They would be separated.

Mr. Manley stated the standards were created April 19, 1999. The Board of Adjustment initiated the conversation for standards back in 1996. The City Council tabled the standards and three years later the Planning Board recommended approving the standards and City Council approved the Planning Board's recommendation. The 600-foot radius was changed to 1,000-foot radius after a shooting at one of the private clubs. Ten years later another applicant applied for a text amendment to have the radius decreased back to 600-feet. Susan Frady stated in that memo that the rationale for the 1,000-foot radius was due to the shooting.

Mr. Blatt asked about the state requirements. Mr. Manley stated he has not heard back from the state on any of their requirements. He has reached out to the state but has not heard back from them. It appears the state centers around alcohol and food. There are not a lot of private clubs around anymore.

Chair asked about the VFW, American Legion and Elks Lodge. Are they private clubs? Mr. Manley stated there is no clear answer, he assumes they were in place prior to the private club requirements and are grandfathered in.

Ms. Peacock asked about eliminating the requirements all together. Mr. Manley stated they could recommend that, but it would change the private club requirements from being a Special Use to being a Permitted Use, which means the private club would be permitted by right with no standards.

Mr. Blatt stated places serving alcoholic beverages have strict regulations placed on them by the state. There are strict ABC rules they have to abide by. The Board discussed restrictions. Mr. Manley stated the more than 30% of total sales of food classifies establishments as restaurants and not private clubs is a rule by the state. They would still have other requirements they would need to meet by the state to operate a restaurant.

Mr. Jones asked if the Downtown Committee was good with private clubs even with the parking downtown. Mr. Manley stated there are no parking requirements for downtown. Mr. Manley stated the lighting requirements that must be met are in Section 6-13. They are rather vague and can be looked at again when the new lighting ordinance is in place.

Chair opened the public comment and asked if anyone in attendance would like to speak. No one spoke. Chair asked if anyone via Zoom would like to speak. No one spoke.

Chair closed the public comment.

The Board discussed making a motion and removing the verbiage for the standards. Discussion was made on deleting Section 16-4-20 Private Clubs. Mr. Manley clarified that the 30% rule is a state rule and not a city rule. Discussion was made on lighting requirements and already having streetlights. Discussion was made about tabling this item.

Lew Holloway, Community Development Director stated the Board can move on to the next item and staff will work on a motion to consider tonight.

V(B) Zoning Map Amendment – Application for a standard rezoning from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Carmenzind and Joan C. Fleming (property owners), for PIN 9588-22-1126 and located at 0 South Allen Road. Mr. Morrow gave the following background:

The initial zoning application is for a standard rezoning of PIN 9588-22-1126. The property is currently zoned Henderson County Office Institutional (OI). The property was annexed into the City of Hendersonville on September 2, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it. The applicant is proposing the property to be rezoned to C-3, Highway Business. Staff has a different zoning suggestion. The property is 17.13 acres. This is a standard rezoning, and no use is tied to it other than what is permitted by right.

Parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Road and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as the Holiday Inn Express, Bojangles and State Employees Credit Union. The subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock which is a proposed development consisting of a 153-bed facility with a mix of assisted living and independent living for seniors and Waterleaf at Flat Rock which is a proposed 263-unit apartment complex. Parcels to the west consist of a business center and are naturally buffered from the residential uses by the Floodplain.

Site conditions and aerial photos were shown.

The 2030 Comprehensive Plan's Future Land Use map designates this parcel as Regional Activity Center. The goal for Regional Activity Center is to meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use walkable design through redevelopment and infill projects.

Staff recommends that this parcel not be zoned C-3, Highway Business. Staff recommends that this parcel be zoned CHMU, Commercial Highway Mixed Use for the following reasons: Previous Planning Board and City Council action, Comprehensive Plan Consistency and Compatibility with surrounding land uses. Commercial Highway Mixed Use was created for parcels along the Upward Road Corridor that annexed into the City of Hendersonville for sewer connections. The C-3 Zoning District has no design standards but the CHMU Zoning District does have design standards.

Activity Nodes in the Comp Plan encourages multi-family mixed use buildings with retail on ground floors and office/residential on upper floors. Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged. Location of all parking to the side or rear of buildings or in a garage encouraged. Improved pedestrian connections to surrounding neighborhoods. The CHMU zoning meets most of the goals for this.

Existing conditions of the property were shown. The property is vacant and has been used as agricultural.

In 2010 County Commissioner's declined the City's request to extend the ETJ out Upward Road. On December 2, 2010, City Council directed staff to create a new zoning district for Upward Road. On March 3, 2011 staff created the CHMU zoning district. The Planning Board voted unanimously to create the CHMU zoning district.

The Upward Road Planning District was shown in light gray on a map. This planning district mirrors what the ETJ should be in this area.

Mr. Morrow compared the C-3, Highway Business and CHMU, Commercial Highway Mixed Use Zoning Districts. C-3 zoning has 11 permitted uses, 5 special uses and the key differences are no design standards and some more intense commercial uses. CHMU zoning has 13 permitted uses and no special uses. The key differences are design standards and multi-family, and light manufacturing are allowed. Multi-family and light manufacturing are permitted by right in CHMU district.

Mr. Blatt asked staff to address outdoor storage. Mr. Morrow stated outdoor storage has its own section in the zoning ordinance. Mr. Blatt asked what the difference in the two districts would be. Mr. Morrow stated outdoor storage is permitted in C-3 but not permitted in CHMU.

Mr. Morrow stated rarely is a parcel annexed before it is zoned. Staff thought the CHMU zoning would be a better fit given the closeness to multi-family in the area.

Ms. Peacock asked if there is a downside to leaving it un-zoned. Mr. Morrow stated the City has 60 days to rezone it. Ms. Peacock asked if it hurt anything to leave it un-zoned. Mr. Morrow stated they cannot use it for anything if left un-zoned. It would have to be zoned before the property could be used. Mr. Manley stated they need to move forward on the zoning of this property.

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

Kelton Lastein, representative for the applicant, 275 S. Church Street, Spartanburg SC stated he has worked on this property for five years now. In 2020 the assisted living facility was approved and then the multi-family development was approved. He has worked with brokers and they have all intention of meeting the needs of the community on this project. He would like to have retail uses to better meet the needs of Dana and the south end community. He sat down with the planning guys and he is representing the landowner when he says he feels that it is unfair to have design standards thrown on them. The project coming to this site has been hand-picked and the best security they have is his word that this will fit into the community.

Mr. Blatt asked if the developer of the two approved projects is the same. Mr. Lastein stated no, they are two new owners of both of those projects. Mr. Blatt asked if he has a statement from those folks concerning this project. Mr. Lastein stated no, he does not.

Mr. Lastein stated they had to annex and then have 60 days for the City to rezone it. He wants what is best for the landowner and with 2,000 feet on the interstate side they feel that C-3, Highway Business is their best option. Mr. Blatt stated it could be used for commercial or residential. Mr. Morrow stated C-3 does not allow multi-family. It only allows single and two family. Mr. Blatt stated he feels like C-3 is reasonable given the 2,000 feet on the interstate side.

Chair stated it is unfair to impose design standards but the CHMU zoning was specifically designed for the Upward Road area, yet he does find imposing design standards unfair.

Mr. Hanley stated if they are going to sale it, they will be looking for the biggest, widest window and who knows what the new owner will do with the property. Mr. Manley stated if the project is less than 50,000 sq. ft. it will not come before this Board for a CZD. They could possibly do the project by right and not have to come back to the Planning Board. Getting this done correctly with the right uses makes it very important that they get the zoning done right today.

Ms. Cromar asked about Mr. Lastein working on this for five years and him stating something about the Planning Department. Chair stated this was only annexed in September and both of the previous projects have been approved. Mr. Blatt stated he wished Mr. Lastein had the blessing of his neighbors. The Planning Department doesn't have their blessing either. He is sympathetic to the location being so close to the interstate. He sees things permitted in the CHMU district that is scary to him, such as light manufacturing.

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

Chair opened the public comment time for anyone in the room or on zoom.

Ken Fitch (zoom), 1046 Patton Street stated if this development is permitted by right, they will not know the density or the use and this could affect traffic in a major way. Chair stated over 50,000 sq. ft. would trigger a CZD but anything under 50,000 sq. ft. would be staff review and approval. He also stated the CHMU zoning district was established for this particular area.

Mr. Manley stated the City has the authority to zone any property. The general public can petition to have a property rezoned but the City has the authority to rezone it. They have to refer to the Comp Plan and they had the blessing of City Council when moving forward with creating the CHMU zoning district for this area.

Chair asked if C-3 was not compatible with the Comp Plan. Mr. Manley stated no, it does not meet the Comp Plan requirements for Activity Node or the design standards under Activity Node. It does meet the requirements however for the CHMU zoning district.

Traffic was also another concern. Ms. Cromar stated the CHMU district would promote a more walkable area and she feels it is more compatible.

Mr. Brown stated there are people living in this area and it is not just interstate frontage they have to consider.

Mr. Morrow stated the application is for the property to be zoned C-3. There is an approval for that in the suggested motions. There is also a denial motion which includes an approval recommendation for the CHMU zoning.

Ms. Peacock moved the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons: The rezoning is not consistent with the Comprehensive Plan. The rezoning is not compatible with the surrounding uses. The rezoning is not in the public interest because: There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. The rezoning will have a detrimental impact on the natural environment.

I further move that the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject

property PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Brown seconded the motion which passed unanimously.

Chair asked that the motion be amended to use the word rezoning instead of development. Ms. Peacock amended the motion.

V(C) Conditional Zoning District - Application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and located on S. Allen Road. Mr. Morrow gave the following background:

The subject property was rezoned from Henderson County I, Industrial and OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

The proposed amendment is to allow the subject property to be subdivided into two parcels. The existing zoning is staying the same. This will still be considered a single development. Both parcels (if subdivided) will be tied to the approved site plan and uses. The property is 8.449 acres.

A Neighborhood Compatibility meeting was held September 28, 2021. No members of the public attended in person and only one citizen attended via Zoom. He had questions concerning ownership of the property, management of the property and traffic issues.

Parcels to the north are zoned Henderson County Office Institutional. To the east the parcel is bordered by a large vacant property that was annexed into the City and will be developed in the future. Parcels to the south around the intersection of Upward Road and South Allen Road are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Residential Development and contain commercial uses, a high density manufactured housing development and the Waterleaf at Flat Rock project which is a proposed 263-unit apartment complex. Parcels to the east across South Allen Road are zoned Regional Commercial which houses an RV campground and Henderson County Office Institutional which houses 4 Seasons Hospice and the Elizabeth House.

The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels to the north, east and south are also designated Regional Activity Center. This is the same designation as the previous project. Chapter 8, Land Use development goal is to fill in the infill areas with compatible uses.

The assisted living facilities normally have low traffic. This is included in the priority growth area and will extend infrastructure to the property.

Existing conditions of the site were shown.

There is a Blueline Stream on the property and the Transitional Area was shown on the site plan. There is a 10-foot Type B buffer along the southern property line.

Mr. Morrow discussed the height exemptions. He stated there is a section in the ordinance that states City Council must grant exemptions on height. The developer did provide a sun study and they will maintain shadows on their property.

The Design Review Committee reviewed the project. It does comply with the zoning code. There were only a few minor things added.

Staff does not have any recommended conditions. The Tree Board did not review this amendment.

Mr. Johnson asked about the design of the sidewalk. Mr. Morrow stated it will have to be 5 feet in width. They will have to extend it through the driveway and the sidewalk must run property line to property line. He asked since the previous project is a middle property between these two will there be a connection to it. Mr. Morrow stated that has not been determined yet.

Chair asked if each of the buildings met the parking requirements. Mr. Morrow stated yes, this is considered one large building.

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

Corey Mabus with Carolina Commercial Contractors stated the site plan is the same as the last time. They are only needing to subdivide the property due to financing. Things are tough in the Covid world and financing is easier on two tracts.

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

Chair opened the public comment and asked if anyone present would like to speak. No one spoke.

Chair asked if anyone via zoom wanted to speak. No one spoke via zoom. Chair closed the public comment time.

Mr. Brown moved the Planning Board recommend that City Council adopt an ordinance amending the approved site plan associated with the PRD-CZD zoning designation for the subject parcel (PIN 9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: This development is within a priority growth area as designated in the comprehensive plan (Chapter 8). The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8). The development provides additional senior housing options for the City of Hendersonville. Mr. Jones seconded the motion which passed unanimously.

V(D) Zoning Map Amendment – Application for a standard rezoning for the subject property PIN 9578-51-3579 and located at 0 Shepherd Street. Ms. Hunt gave the following background:

The applicant is the City of Hendersonville. Section 11-6 prohibits the applicant from discussing the specific manner in which they plan to use the property. The property is identified at PIN 9578-51-3579 and is currently a vacant lot. The property is 2,1 acres and is currently zoned R-15, Medium Density Residential. The proposed zoned is C-4, Neighborhood Commercial. The property is adjacent to Old Spartanburg Highway and can be accessed from Shepherd Street and Old Spartanburg Road.

As a standard rezoning there is no binding site plan or restriction of uses beyond what is permitted in the Zoning Code. The C-4 zoning district is already present in this area and this zoning would be an extension of the C-4 district.

The predominant uses in the area are residential however, C-3, Highway Business and C-4 Neighborhood Commercial are also found in the area. One single-family home sits directly on the corner of Old Spartanburg Road and Shepherd Street and is surrounded on the side and rear by the subject property. Parcels to the south of the property and across Old Spartanburg Road are zoned Henderson County Community Commercial. This zoning provides daily needs for the residents in this area. The subject property sits close to the intersection. Public uses are in close proximity to the residential uses in the area.

The proposed rezoning to C-4 aligns with the Comprehensive Plan's Land Use map and Development Chapter with the designation of this area as High-Intensity Neighborhood. The goal of the High-Intensity neighborhood is to encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development and promotes walkable neighborhood design.

Photos of the existing site were shown. There are site trees along the property line facing southeast from Shepherd Street.

Ms. Hunt stated the proposed zoning is supported by the Comprehensive Plan. The site is in a priority infill area. The site is in proximity of an Activity Node. The subject property is adjacent to the C-4 zoning district. Proposed zoning allows for the incentivization of infill development and the need for additional opportunities to provide for the frequent daily needs of residents of the surrounding neighborhoods.

Mr. Blatt asked if a government entity had the right to build anything they wanted to and is this zoning change really needed. Ms. Hunt stated they can build what is permitted. Mr. Blatt stated he is not talking about permitted uses. Ms. Hunt stated under Section 5-9-2 under Special Uses public utility facilities are allowed. Mr. Manley stated it is public knowledge what is being proposed at this site. Public Utility Facility is defined in the ordinance as *any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunications towers, antennas and other telecommunication devices.*

Mr. Manley stated the supplementary standards have to be met and are as follows:

16-4-22 Public Utility Facilities.

- a) Lots must conform to minimum setback and yard requirements of the district in which they are located. Unstaffed utility structures with internal floor space of less than 600 ft² are exempted from the minimum lot size requirement.
- b) Electric and gas substations and sewage treatment plants will be separated by a ten-foot B type buffer meeting the specifications of Article XV from the street and any abutting residential use or any property located in a residential zoning district.
- c) Control houses, pump and lift stations, and other similar uses shall be screened from the street and any abutting residential use or any property located in a residential zoning district.
- d) A fence not easily climbable or comparable safety devices must be installed and maintained in order to deter access to the facility.

- e) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.
- f) The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residential properties, if such exist.
- g) The Board of Adjustment may give relief from these requirements so long as public safety and neighborhood compatibility are protected, if strict adherence would constitute a hardship or is unnecessary.

This would have to be reviewed and approved by the Board of Adjustment.

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

Adam Murr, 160 6th Avenue East stated he was there to speak on the City's behalf. The property was purchased in 2019 for public use. It meets the criteria, and it is adjacent to residential property.

Chair asked if there were any questions for Mr. Murr. There were none.

Chair opened the public comment time for anyone in the room or on Zoom. There were no comments.

Chair closed the public comment.

Ms. Cromar moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-51-3579) from R-15 Zoning (Medium Density Residential) to C-4 (Neighborhood Commercial) Zoning District based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Blatt seconded the motion which passed unanimously.

Mr. Manley stated the motion for the first item (VA) Private Clubs needed to be made.

Ms. Peacock moved the Planning Board recommend City Council approve an ordinance amending the official Zoning Ordinance of the City of Hendersonville, Article XVI Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs, removing all Supplementary Standards associated with Private Clubs further that Private Clubs be reclassified from a Special Use to a Permitted Use in the C-1, C-2, C-3, CMU and I-1 zoning districts finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 4 – Goal CR-4 and Chapter 8, Strategy LU-1.1, and Goal LU-10 and that the zoning text amendment is reasonable and in the public interest for the following reasons: It will promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts. It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base. It reflects adaptation by the City to changing market trends in entertainment and hospitality. Mr. Hanley seconded the motion which passed unanimously.

Chair asked if they left the Special Use and took away the spacing requirement would it still have to go before the Board of Adjustment. Mr. Manley stated yes, but the only standard would be the lighting.

VI Other Business. None

VII Adjournment – *The meeting was adjourned at 5:57 pm.*

Jim Robertson, Chair



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager **MEETING DATE:** December 13, 2021

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

TITLE OF ITEM: Major Subdivision: Preliminary Plat – Providence Walk (P21-66-SUB) – Matthew Manley, AICP – Planning Manager

<u>SUGGESTED MOTION(S):</u>	
<u>For Recommending Approval:</u> I move Planning Board Approve the Major Subdivision Plat for the subject property (PINS: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178) based on the Preliminary Plat submitted by the applicant and subject to the following conditions: Conditions that shall be satisfied prior to Final Plat approval include: [LIST ANY CONDITIONS THAT NEED TO BE SATISFIED] 1. _____ 2. _____ 3. _____ [DISCUSS & VOTE]	<u>For Recommending Denial:</u> I move Planning Board DENY the Major Subdivision Plat application for the subject property (PINS: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178) based on the Preliminary Plat submitted by the applicant for the following reason: [LIST ANY & ALL REASONS THAT THE PRELIMINARY PLAT DOES NOT SATISFY THE SUBDIVISION ORDINANCE] 1. _____ 2. _____ 3. _____ [DISCUSS & VOTE]

SUMMARY: The City is in receipt of an application for a Major Subdivision from Travis Fowler (Providence Walk, LLC) for the development of a 93-Lot single-family dwelling development on a 20.22 Acre tract on 5 parcels located in both the city limits and the ETJ. The largest parcel of the property is currently vacant - former agriculture land that has been unmaintained. Three smaller parcels are currently occupied by single-family homes. One additional parcel will remain undeveloped as it is primarily in the floodplain/floodway. Four of five parcels are subject to annexation in order to be fully developed with city utilities. The final determination of the annexation is slated for January 6, 2022.

PROJECT/PETITIONER NUMBER:	P21-66-SUB
PETITIONER NAME:	Travis Fowler, Providence Walk, LLC.
ATTACHMENTS:	1. Staff Report 2. Full Major Subdivision Plat Submittal 3. Application

Providence Walk

Major Subdivision / Preliminary Plat

(P21-66-SUB)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

PROJECT SUMMARY 2

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Plat Features: 7

REVIEW PROCEDURE 8

STAFF ASSESSMENT 9

ATTACHMENTS: 10

1) Full Size Major Subdivision Preliminary Plat 10

2) Application..... 10



PROJECT SUMMARY

Applicant: Travis Fowler

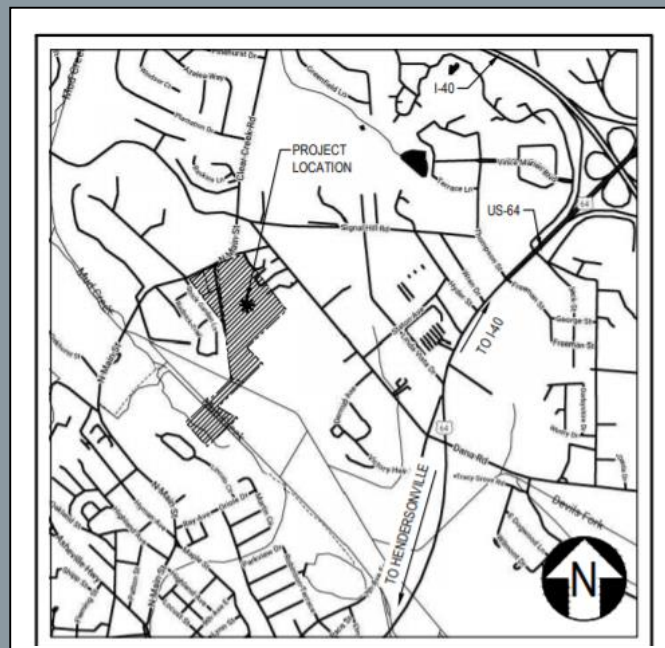
Property Owner: Providence Walk, LLC (Travis Fowler)

Property Address: 1828 N Main St.

Project Acreage: 20.22 Acres

Parcel Identification Number(s): 9569857172; 9569834918; 9569853434; 9569851398; and 9569853178

Current Zoning: R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD)



SITE VICINITY MAP

Summary Statement of Applicant Request:

The City is in receipt of a Major Subdivision (preliminary plat) application from Travis Fowler, managing member of Providence Walk, LLC (owner) for the development of 93 Detached Single-Family Residential homes on a 20.22 Acre tract of 5 parcels located in both the city limits and the ETJ. Four of the five parcels are located outside the city limits but within the ETJ. At the time of this report, an annexation request is being processed by City Council and is set to be considered for approval on January 6, 2022.

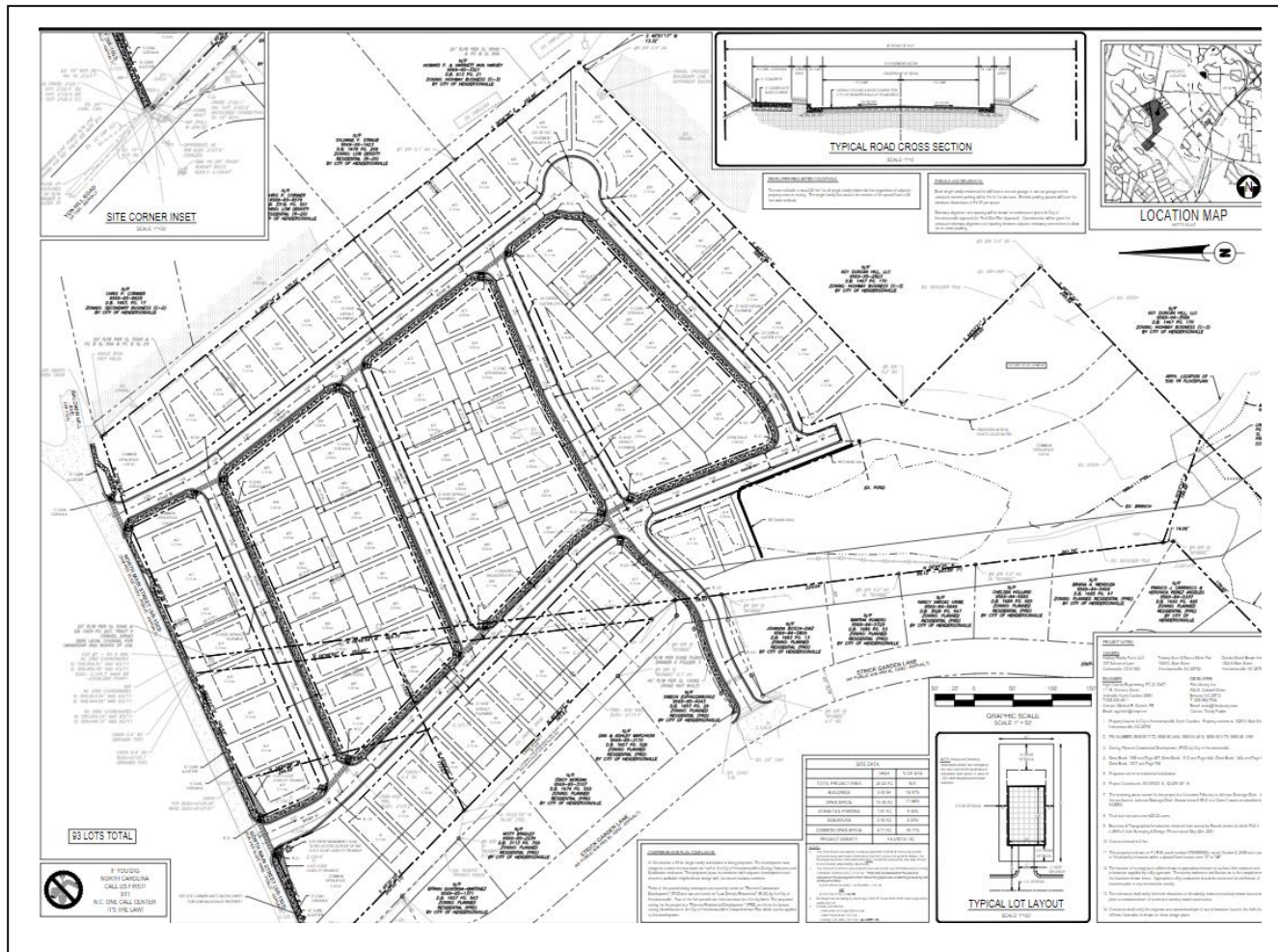
The largest parcel of the property is currently vacant - former agriculture land that has been unmaintained. Three smaller parcels are currently occupied by single-family homes which are proposed to be removed. One additional parcel will remain undeveloped as it is primarily in the floodplain/floodway. The applicant's request to rezone the property to PRD-CZD, Planned Residential Development - Conditional Zoning District, was approved by City Council on November 4, 2021 with a density of 4.6 Units / Acre. As a CZD, the rezoning was approved subject to a site plan. The approved site plan along with a preliminary subdivision plat are provided for your review.

The Subdivision Ordinance dictates that subdivisions with over 8 dwelling units and/or those involving the provision of public infrastructure are considered *Major Subdivisions*. Major Subdivisions are required to be considered by the Planning Board as an Administrative Decision and therefore an Administrative Hearing must be conducted. Those terms are defined by state statute as follows:

Administrative decision. - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing. - A proceeding to gather facts needed to make an administrative decision.

PROJECT SUMMARY - CONTINUED



Revised Preliminary Site Plan

The Site Plan above provides a general overview of the site plan which was approved as part of the Conditional Rezoning. Some details will be adjusted in the Final Site Plan which are not shown above. For example, a paved stub out is required to the vacant parcel to the south and the stub out to the west need only be extended to the edge of the property.

SITE CONDITIONS – SITE IMAGES

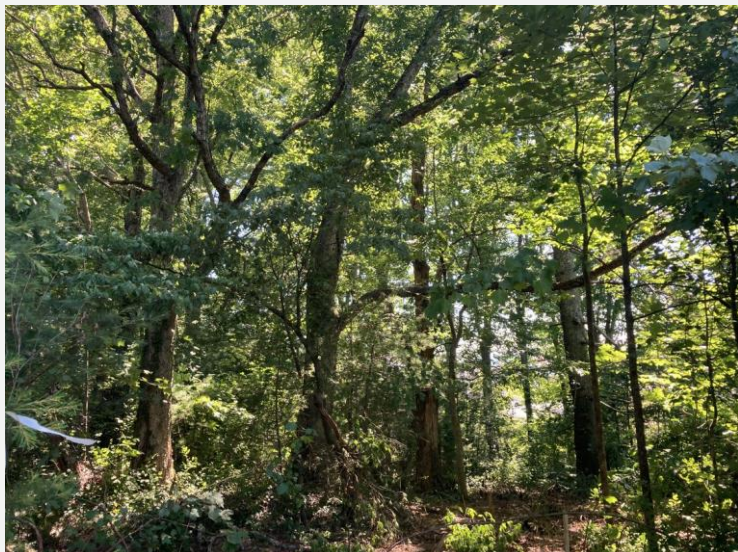
Example of primary site conditions



Existing pond on site which will be converted to serve as a stormwater management facility.



Typical of heavily wooded area at rear of site

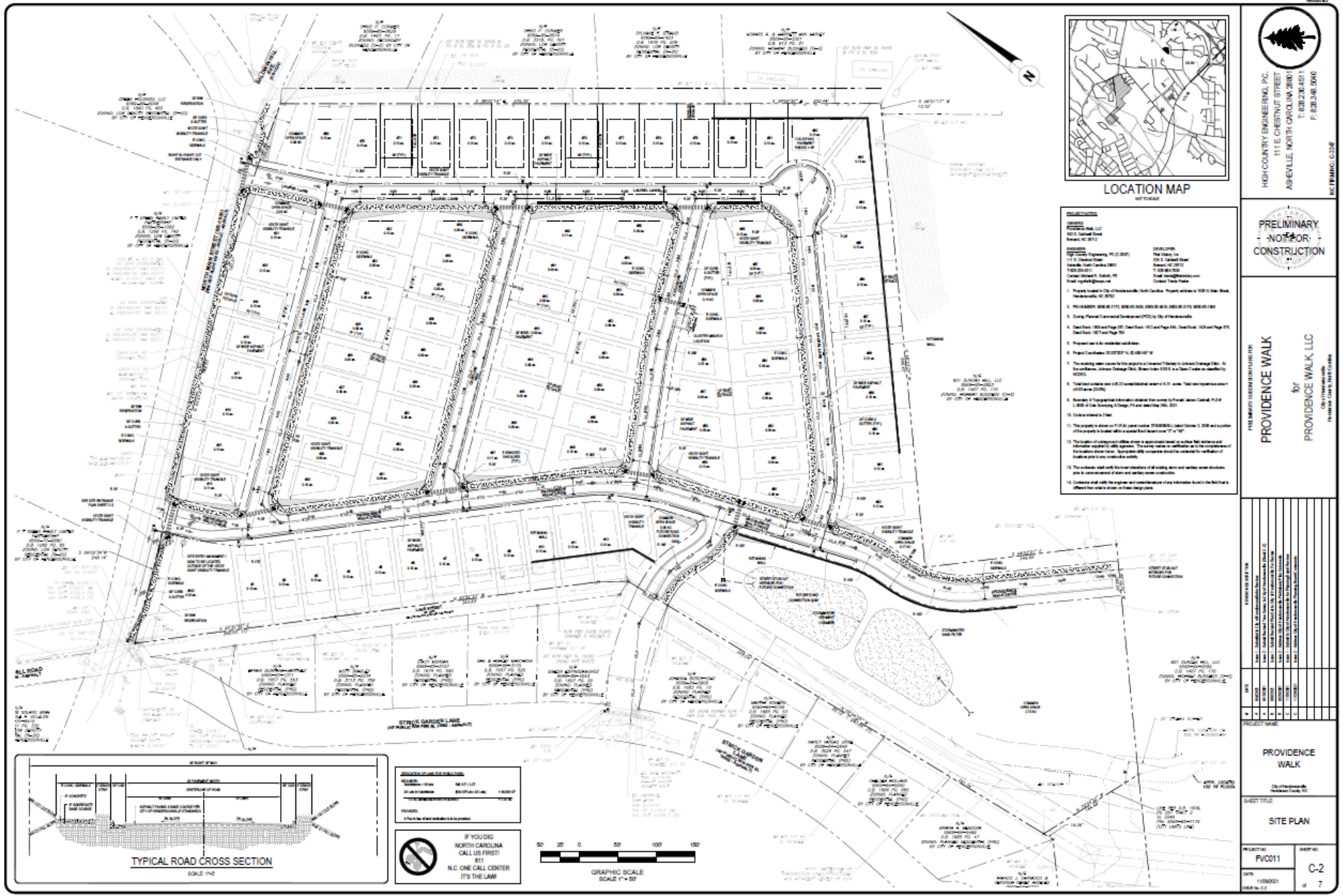


AERIAL PHOTO



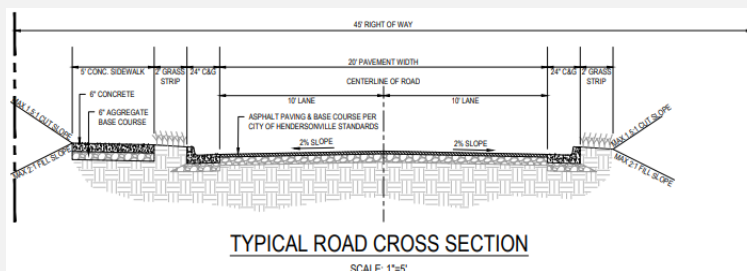
Bird's Eye View - Oriented North

SUBDIVISION PLAT OVERVIEW



Plat Features:

- 93 Individual Lots / Single-Family Home Sites (typical lot = .09 Acres / 3,920 Sq Ft)
- 5 “Local” Public Streets (45’ ROW) with Sidewalks
 - Interconnected Streets with Connectivity Index of 1.75
- Crosswalks at intersections
- 1 cul-de-sac in curve/corner of Laurel Lane
- Stub Out (future street connection) to Oklawaha Village (Katherine Drive)
- Stub Out (future street connection) to vacant land to the south (Providence Walk Drive)
- Right in/Right Out at Laurel Lane & N. Main Street
- Deceleration Lane at Main Entrance from N. Main St to Providence Walk Drive
- Road Profiles
- Open Space on undeveloped lot and pockets throughout
- Existing Pond converted to Stormwater Facility
- City Water Supply Connections
- City Sewer Connections
- Grading & Stormwater Plan



- PROJECT NOTES:**
- OWNERS:**
Providence Walk, LLC
542 S. Caldwell Street
Brevard, NC 28712
- ENGINEER:**
High Country Engineering, PC (C-3347)
111 E. Chestnut Street
Asheville, North Carolina 28801
T: 828-230-4511
Contact: Michael R. Goforth, PE
Email: mgoforth@hoepec.net
- DEVELOPER:**
First Victory, Inc.
524 S. Caldwell Street
Brevard, NC 28712
T: 828-884-7934
Email: travis@firstvictory.com
Contact: Travis Fowler
1. Property located in City of Hendersonville, North Carolina. Property address is 1828 N. Main Street, Hendersonville, NC 28792
 2. PIN NUMBER: 9569-85-7172, 9569-85-3434, 9569-83-4918, 9569-85-3178, 9569-85-1398
 3. Zoning: Planned Commercial Development (PCD) by City of Hendersonville.
 4. Deed Book: 1609 and Page 267; Deed Book: 1612 and Page 444; Deed Book: 1424 and Page 576, Deed Book: 18CT and Page 780
 5. Proposed use is for residential subdivision.
 6. Project Coordinates: 35.337333° N, 82.459146° W
 7. The receiving water course for this project is a Unnamed Tributary to Johnson Drainage Ditch. At the confluence, Johnson Drainage Ditch, Stream Index 6-55-8, is a Class C water as classified by NCDEQ.
 8. Total tract contains over ±20.22 acres/disturbed area= ±13.96 acres. Total new impervious area = ±6.83 acres (33.8%).
 9. Boundary & Topographical information obtained from survey by Ronald James Cutshall, PLS # L-4563 of Cole Surveying & Design, PA and dated May 24th, 2021.
 10. Contour interval is 2 feet.
 11. This property is shown on F.I.R.M. panel number 3700956900J, dated October 2, 2008 and a portion of the property is located within a special flood hazard zone "X" or "AE".
 12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown hereon. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
 13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
 14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

REVIEW PROCEDURE**ADMINISTRATIVE DECISION BY PLANNING BOARD**

- i. *Following staff review, the Planning Board, after the conclusion of a public meeting (see Section 2.03.G, Public Meeting and Hearing), shall review and make an Administrative Decision regarding the application in accordance with Section 2.04.H.4, Major Subdivision Review Standards. Notice of the Administrative Decision shall be delivered in accordance with Section 2.03.K.2.*
- ii. *The decision shall be either: approval of the Major Subdivision as proposed; approval of a revised major subdivision; or denial of the Major Subdivision.*
- iii. *The Planning Board shall render a decision on an application for a Major Subdivision within 32 days of the date of the first public meeting to consider the application unless a different review schedule is agreed to by the Planning Board, the City, and the applicant.*
- iv. *If a Major Subdivision application is denied, then the reasons for denial shall be stated in writing. The applicant may revise and resubmit a Major Subdivision that has been denied. Alternatively, an applicant may file an action to challenge the denial in the Superior Court for Henderson County seeking appropriate declaratory or equitable relief in the manner of and within the time periods specified by applicable laws.*

MAJOR SUBDIVISION REVIEW STANDARDS

- a. *An application for a Major Subdivision shall be approved, if it complies with the following:*
 - i. *The Major Subdivision is prepared and sealed by a licensed professional authorized by the State to prepare such documents;*
 - ii. *The Major Subdivision complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;*
 - iii. *The Major Subdivision includes all required certifications and other pertinent information as required by the City;*
 - iv. *All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT or City standards, as appropriate;*
 - v. *The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Hendersonville or Henderson County;*
 - vi. *Street names used in the subdivision shall not duplicate or be similar to the names of streets in an existing subdivision in Hendersonville or Henderson County;*
 - vii. *All standards or conditions of any prior applicable permits and development approvals; and*
 - viii. *The Major Subdivision complies with all other applicable requirements in this Ordinance and the City Code of Ordinances.*
- b. *Land located within a special flood hazard area shall comply with all applicable City standards for flood damage prevention.*

STAFF ASSESSMENT

Zoning Compliance:

Based on the review by staff, the submitted preliminary plat for Providence Walk meets the requirements of the PRD-CZD zoning district.

Subdivision Compliance:

Based on the review of the Providence Walk preliminary plat by staff, the DRC and Planning Staff make the following findings:

Article 3: Configuration

Section 3.02. Land Suitability - All applicable standards satisfied

Section 3.03. Lots – All applicable standards satisfied

Section 3.04. Access to Lots - All applicable standards satisfied

Section 3.05. Monuments - All applicable standards satisfied

Section 3.06 Easements – Needs final confirmation from DRC

Section 3.07. Subdivision Names – Needs final confirmation from Henderson County

Section 3.08. Cluster Mailbox Units – All minimum standards satisfied

Section 3.09. – Dedication of Public Land – **Noted for a “Fee-in-Lieu” to be made. Potential for actual dedication to come to fruition at Final Plat.**

Article 4: Infrastructure

Section 4.02. General Requirements – Primarily relates to post-approval construction standards

Section 4.03. Streets – All minimum standards satisfied – **Location of southern stub out needs adjustment**

Section 4.04. Sidewalks - All applicable standards satisfied

Section 4.05. Greenways – Does not appear to be applicable

Section 4.06. Potable Water- All applicable standards satisfied

Section 4.07. Sanitary Sewer - All applicable standards satisfied

Section 4.08. Fire Protection - All applicable standards satisfied

Article 5: Environment

Section 5.01. Stormwater Management - All applicable standards satisfied

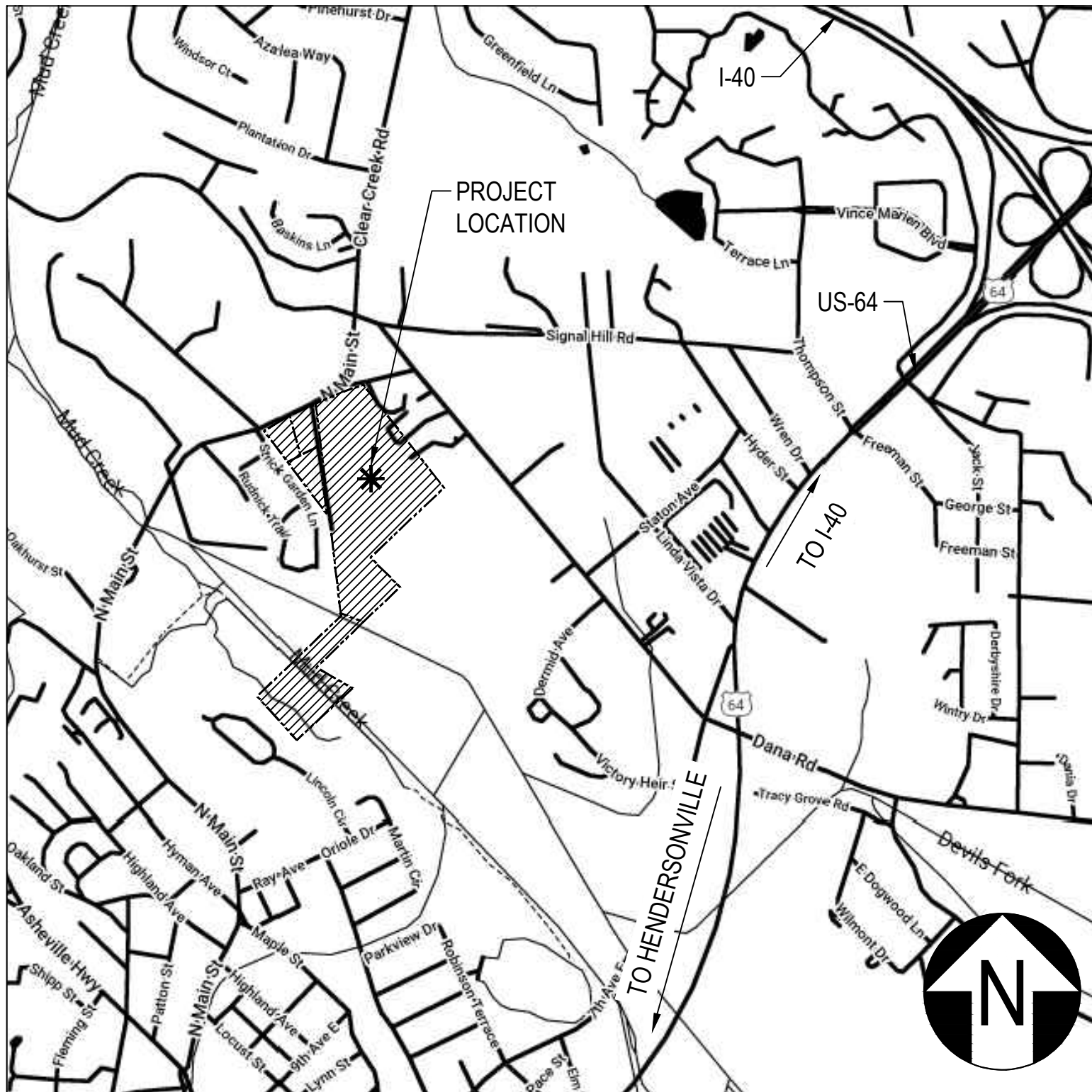
Section 5.02. Sedimentation & Erosion Control - All applicable standards satisfied

Section 5.03. Steep Slopes - All applicable standards satisfied

Section 5.04. Open Space Standards - All applicable standards satisfied

ATTACHMENTS:

- 1) Full Size Major Subdivision Preliminary Plat
- 2) Application



LOCATION MAP
NOT TO SCALE

PRELIMINARY SUBDIVISION PLANS FOR THE PROVIDENCE WALK SUBDIVISION 1828 N. MAIN STREET, HENDERSONVILLE, NC 28792 CITY OF HENDERSONVILLE HENDERSON COUNTY, NORTH CAROLINA JUNE 4, 2021

PREPARED FOR:
PROVIDENCE WALK, LLC
524 S. CALDWELL STREET
BREVARD, NC 28712
T: 828-884-7934
CONTACT: TRAVIS FOWLER

SHEET INDEX

SHEET NO.	DESCRIPTION
-	COVER SHEET
C-1	EXISTING CONDITIONS & DEMOLITION PLAN
C-2	PRELIMINARY PLAT
C-3	SITE ENTRANCE PLAN
C-4	GRADING & STORMWATER PLAN
C-5	ROAD PROFILES
C-6	SEWERLINE PLAN
C-7	WATERLINE PLAN

REVISIONS

REVISION AND ISSUE NO.	SHEET NO.	DESCRIPTION	DATE
A - ISSUE 1	ALL	SUBMIT TO CITY OF HENDERSONVILLE FOR SITE PLAN REVIEW	6/4/2021
A - ISSUE 2	C-3	SUBMIT REVISED TREE SURVEY TO CITY OF HENDERSONVILLE	6/15/2021
B - ISSUE 1	ALL	SUMBIT REVISED PLANS TO C.O.H. FOR REVIEW	8/6/2021
B - ISSUE 2	ALL	ADDRESS C.O.H. PRELIMINARY PLAN COMMENTS	8/25/2021
C - ISSUE 1	ALL	SUBMIT TO C.O.H. FOR PLANNING BOARD REVIEW	11/5/2021
C - ISSUE 2	ALL	ADDRESS TO C.O.H. PLANNING BOARD COMMENTS	11/29/2021

PROJECT NOTES:	
OWNERS: Providence Walk, LLC 542 S. Caldwell Street Brevard, NC 28712	DEVELOPER: First Victory, Inc. 524 S. Caldwell Street Brevard, NC 28712 T: 828-884-7934 Email: travis@firstvictory.com Contact: Travis Fowler
ENGINEER: High Country Engineering, PC (C-3347) 111 E. Chestnut Street Asheville, North Carolina 28801 T: 828-230-4511 Contact: Michael R. Goforth, PE Email: mgoforth@hncpc.net	
1. Property located in City of Hendersonville, North Carolina. Property address is 1828 N. Main Street, Hendersonville, NC 28792.	
2. PIN NUMBER: 9569-85-7172, 9569-85-3434, 9569-83-4918, 9569-85-3178, 9569-85-1398	
3. Zoning: Planned Commercial Development (PCD) by City of Hendersonville.	
4. Deed Book: 1609 and Page 267; Deed Book: 1612 and Page 444.; Deed Book: 1424 and Page 576, Deed Book: 1607 and Page 780	
5. Proposed use is for residential subdivision.	
6. Project Coordinates: 35.337333° N, 82.459146° W	
7. The receiving water course for this project is a Unnamed Tributary to Johnson Drainage Ditch. At the confluence, Johnson Drainage Ditch, Stream Index 6-55-8, is a Class C water as classified by NCDEQ.	
8. Total tract contains over ±20.22 acres/disturbed area= ±14.31 acres. Total new impervious area = ±6.83 acres (33.8%).	
9. Boundary & Topographical information obtained from survey by Ronald James Cutshall, PLS # L-4563 of Cole Surveying & Design, PA and dated May 24th, 2021.	
10. Contour interval is 2 feet.	
11. This property is shown on F.I.R.M. panel number 3700956900J, dated October 2, 2008 and a portion of the property is located within a special flood hazard zone "X" or "AE".	
12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown hereon. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.	
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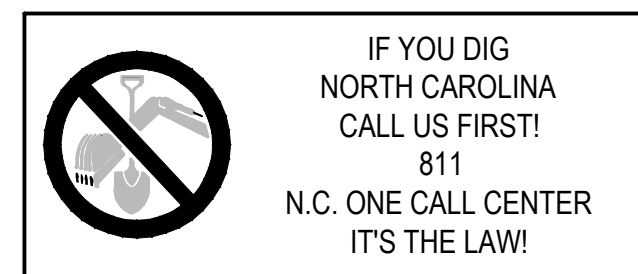


HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801

T: 828.230.4511
F: 828.348.5040
FIRM NO.: C-3347



PRELIMINARY SUBDIVISION PLANS
FOR THE
PROVIDENCE WALK SUBDIVISION
1828 N. MAIN STREET, HENDERSONVILLE, NC
CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA
JUNE 4, 2021





PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
PROVIDENCE WALK, LLC

#	DATE	REVISION DESCRIPTION
A	6/4/2021	Issue 1 - Submit to City of Hendersonville for Review
B	6/15/2021	Issue 1 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
A	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville For Review
B	8/9/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments
B	8/25/2021	Issue 1 - Submit to City of Hendersonville for Planning Board Review
C	11/29/2021	Issue 2 - Address City of Hendersonville Planning Board Comments

PROVIDENCE WALK

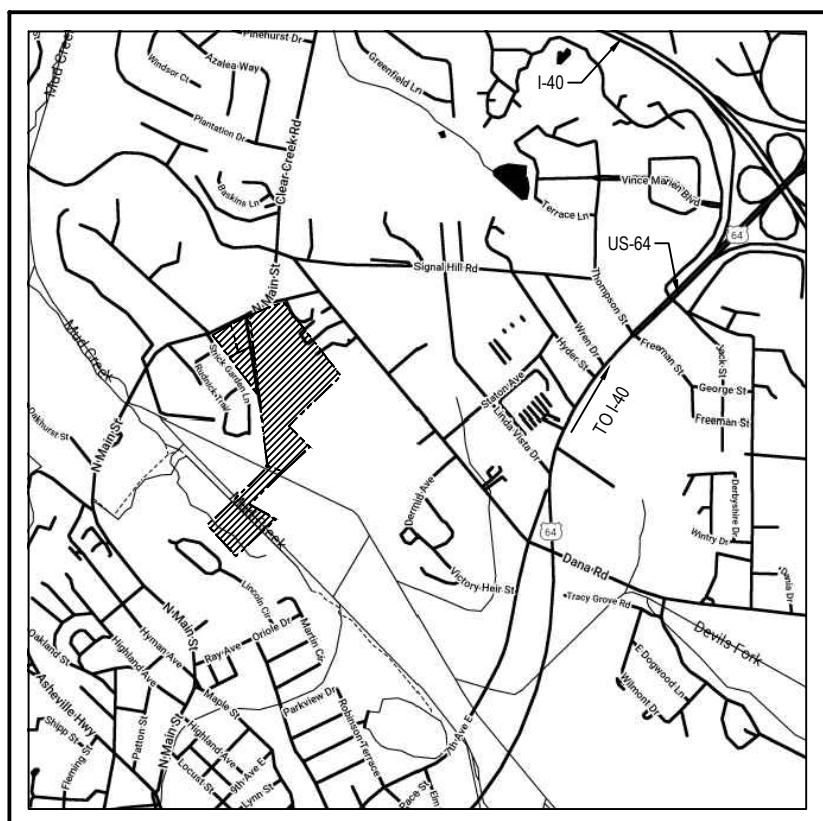
SHEET TITLE:

EXISTING CONDITIONS
& DEMOLITION PLAN

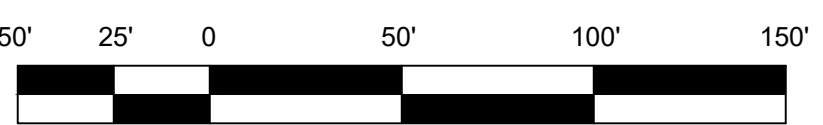
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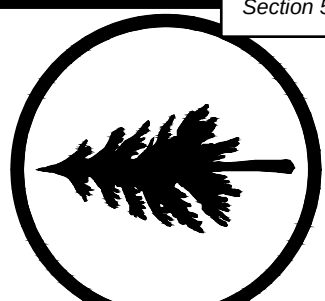
LOCATION MAP



GRAPHIC SCALE
SCALE 1" = 50'

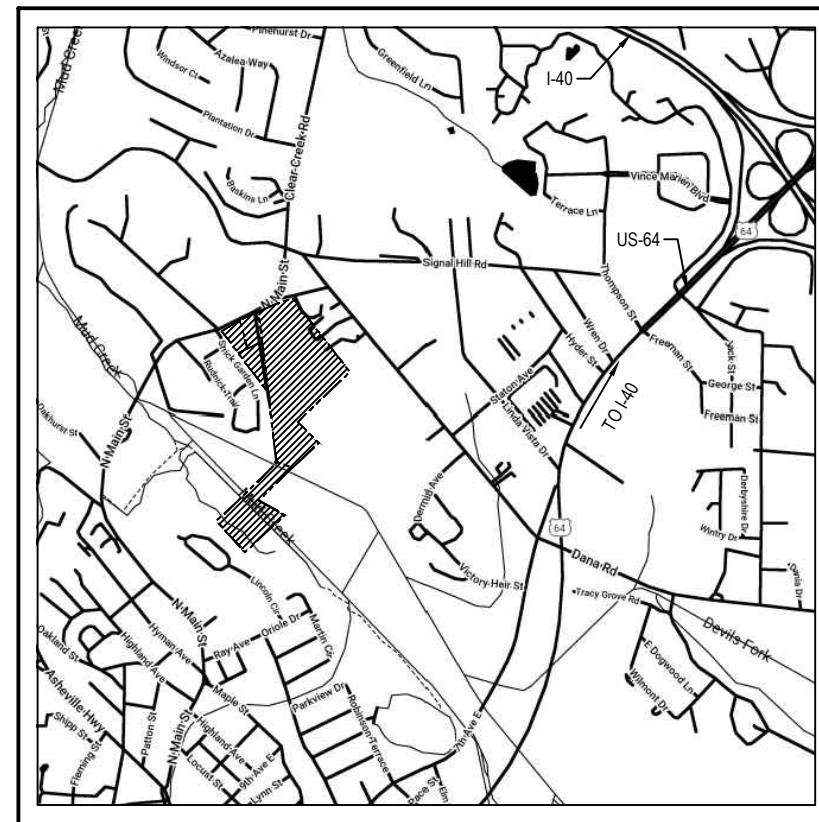


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HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040

NC FIRM NO.: C-3347



LOCATION MAP
NOT TO SCALE

PROJECT NOTES:

- OWNERS:**
Providence Walk, LLC
542 S. Caldwell Street
Brevard, NC 28712
- ENGINEER:**
High Country Engineering, PC (C-3347)
111 E. Chestnut Street
Asheville, North Carolina 28801
T: 828-230-4511
Contact: Michael R. Goforth, PE
Email: mgoforth@hcepc.com
- DEVELOPER:**
First Victory, Inc.
524 S. Caldwell Street
Brevard, NC 28712
T: 828-884-7834
Email: travis@firstvictory.com
Contact: Travis Fowler
- Property located in City of Hendersonville, North Carolina. Property address is 1828 N. Main Street, Hendersonville, NC 28752
 - PIN NUMBER: 9569-85-7172, 9569-85-3434, 9569-85-4918, 9569-85-3178, 9569-85-1398
 - Zoning: Planned Commercial Development (PCD) by City of Hendersonville.
 - Deed Book: 1609 and Page 267; Deed Book: 1612 and Page 444; Deed Book: 1424 and Page 576; Deed Book: 18CT and Page 780
 - Proposed use is for residential subdivision.
 - Project Coordinates: 35.337333° N, 82.459146° W
 - The receiving water course for this project is a Unnamed Tributary to Johnson Drainage Ditch. At the confluence, Johnson Drainage Ditch, Stream Index 6-55-8, is a Class C water as classified by NCDEQ.
 - Total tract contains over ±20.22 acres/disturbed area ±14.31 acres. Total new impervious area = ±5.83 acres (33.8%).
 - Boundary & Topographical information obtained from survey by Ronald James Cutshall, PL S L-4553 of Cole Surveying & Design, PA and dated May 24th, 2021.
 - Contour interval is 2 feet.
 - This property is shown on F.I.R.M. panel number 370069000J, dated October 2, 2008 and a portion of the property is located within a special flood hazard zone "X" or "AE".
 - The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown herein. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
 - The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
 - Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.

PRELIMINARY SUBDIVISION PLANS FOR

PROVIDENCE WALK

for
PROVIDENCE WALK, LLCCity of Hendersonville
Henderson County, North Carolina

REVISION DESCRIPTION

DATE	REVISION
6/4/2021	Issue 1 - Submit to City of Hendersonville for Review
6/10/2021	Issue 2 - Submit Revised Plan Set to City of Hendersonville (Sheet C-3)
8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville for Review
8/29/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments
11/9/2021	Issue 1 - Submit to City of Hendersonville for Planning Board Review
11/9/2021	Issue 2 - Address City of Hendersonville Planning Board Comments

#

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PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

PRELIMINARY PLAT

PROJECT NO.

FVC011

SHEET NO.

C-2

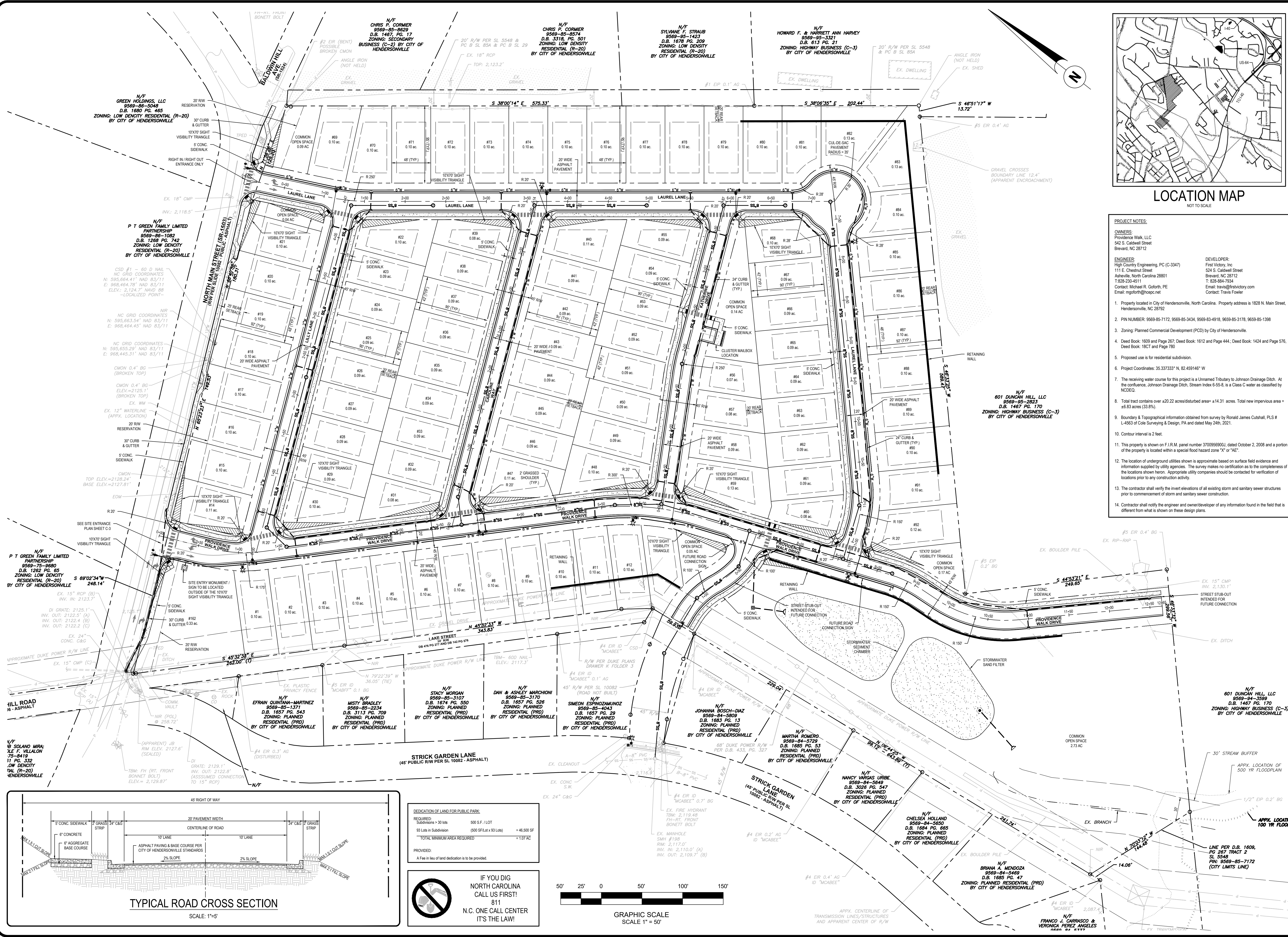
DATE:

11/29/2021

ISSUE NO. C-2

of 7

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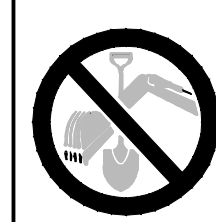
TYPICAL ROAD CROSS SECTION

SCALE: 1"=5'

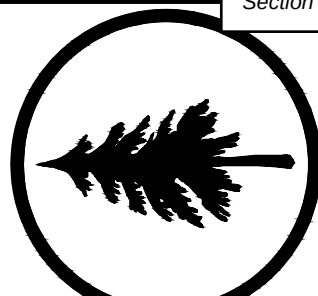
DEDICATION OF LAND FOR PUBLIC PARK

REQUIRED:
Subdivisions > 30 lots 500 S.F. / LOT
90 Lots in Subdivision (900 S.F./Lot x 90 Lots) = 46,500 SF
TOTAL MINIMUM AREA REQUIRED = 1.07 AC

PROVIDED:
A Fee in lieu of land dedication is to be provided.

GRAPHIC SCALE
SCALE 1" = 50'

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NORTH CAROLINA
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N.C. ONE CALL CENTER
IT'S THE LAW!



HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040

NC FIRM NO.: C-3347



PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
PROVIDENCE WALK, LLC
City of Hendersonville
Henderson County, North Carolina

REVISION DESCRIPTION

DATE

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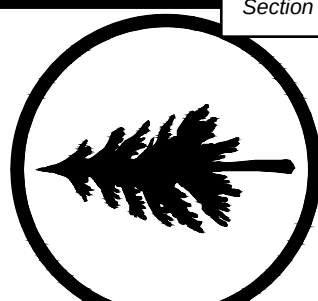
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HIGH COUNTRY ENGINEERING, P.C.
111 E. CHESTNUT STREET
ASHEVILLE, NORTH CAROLINA 28801
T: 828.230.4511
F: 828.348.5040

NC FIRM NO.: C-3347



PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
PROVIDENCE WALK, LLC
City of Hendersonville
Henderson County, North Carolina

REVISION DESCRIPTION

#	DATE	DESCRIPTION
A	6/4/2021	Issue 1 - Submit to City of Hendersonville for Review
B	6/10/2021	Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)
B	8/6/2021	Issue 1 - Submit Revised Plan Set to City of Hendersonville for Review
C	8/29/2021	Issue 2 - Address City of Hendersonville Preliminary Plan Comments
C	11/9/2021	Issue 1 - Submit to City of Hendersonville for Planning Board Review
C	11/9/2021	Issue 2 - Address City of Hendersonville Planning Board Comments

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

**GRADING &
STORMWATER PLAN**

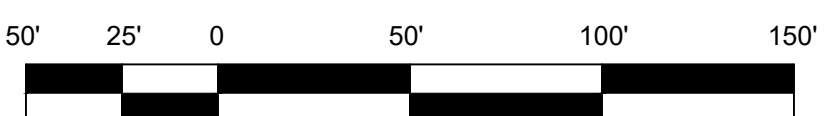
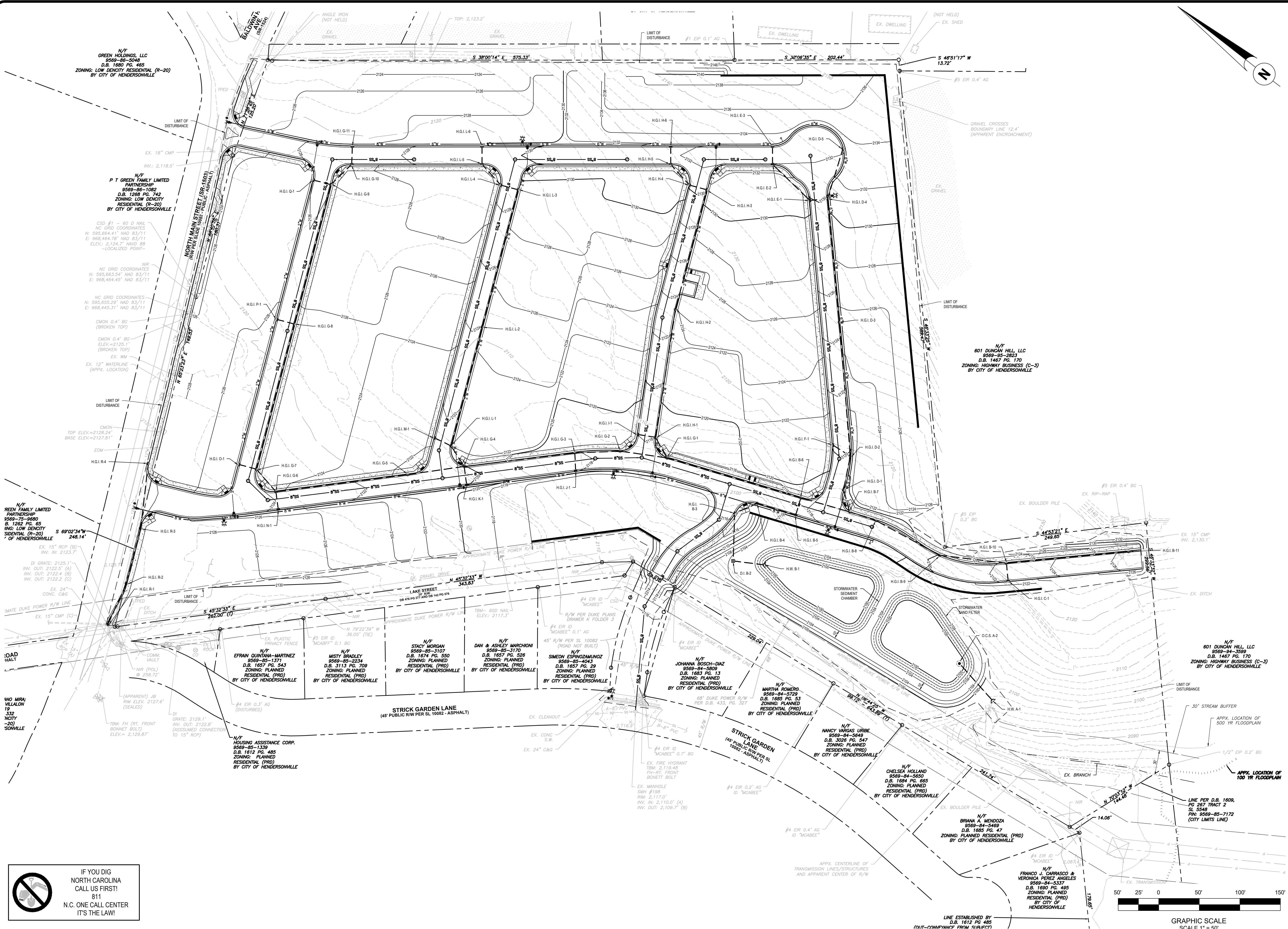
PROJECT NO:
FVC011

DATE:
11/29/2021
ISSUE No. C-2

SHEET NO.

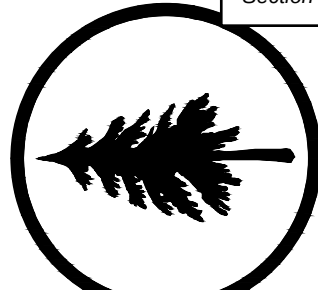
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of 7



GRAPHIC SCALE
SCALE 1" = 50'

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PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
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City of Hendersonville
Henderson County, North Carolina

REVISION DESCRIPTION	
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DATE	
6/4/2021	A
6/15/2021	A
8/6/2021	B
8/22/2021	B
11/9/2021	C
11/29/2021	C

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

ROAD PROFILES

PROJECT NO.

FVC011

DATE:

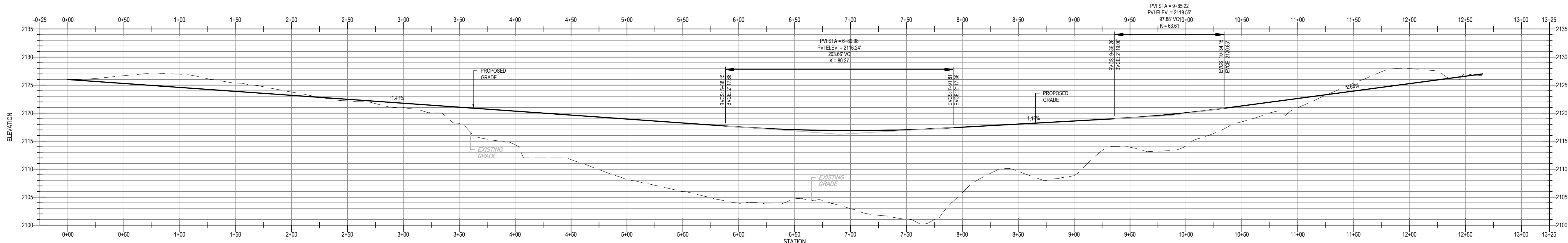
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ISSUE No. C-2

SHEET NO.

C-5

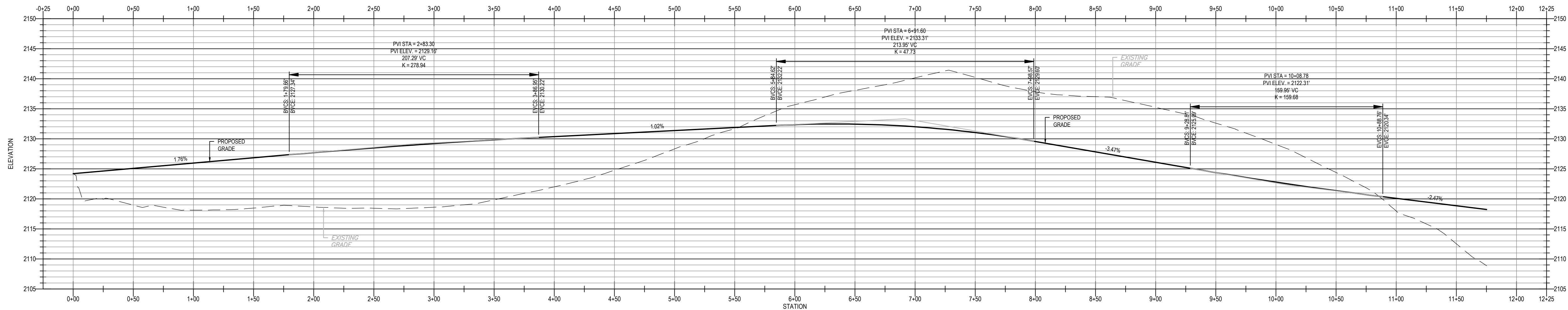
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ROAD 'A' PROFILE VIEW

H. SCALE: 1"=50'

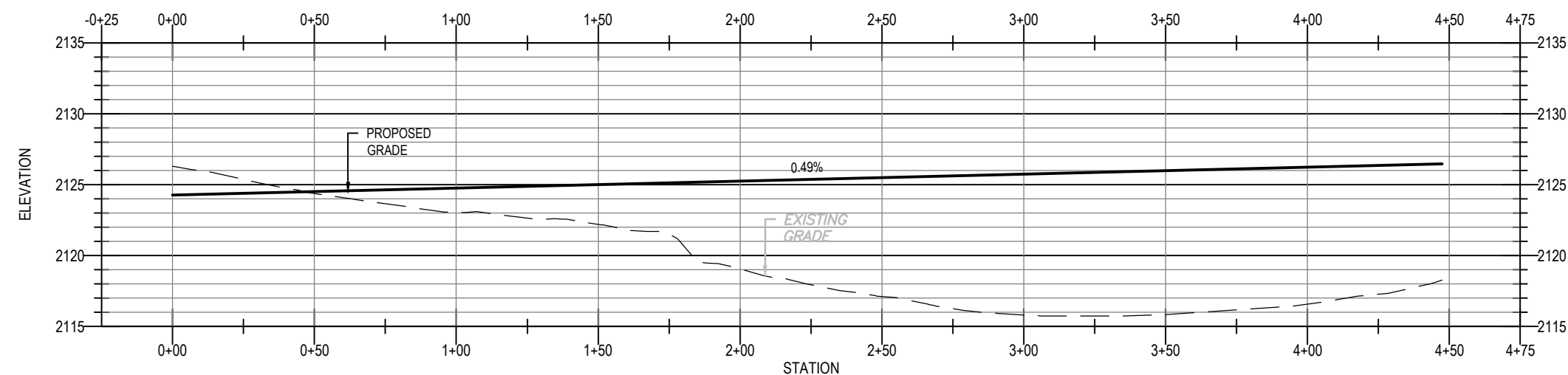
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ROAD 'B' PROFILE VIEW

H. SCALE: 1"=50'

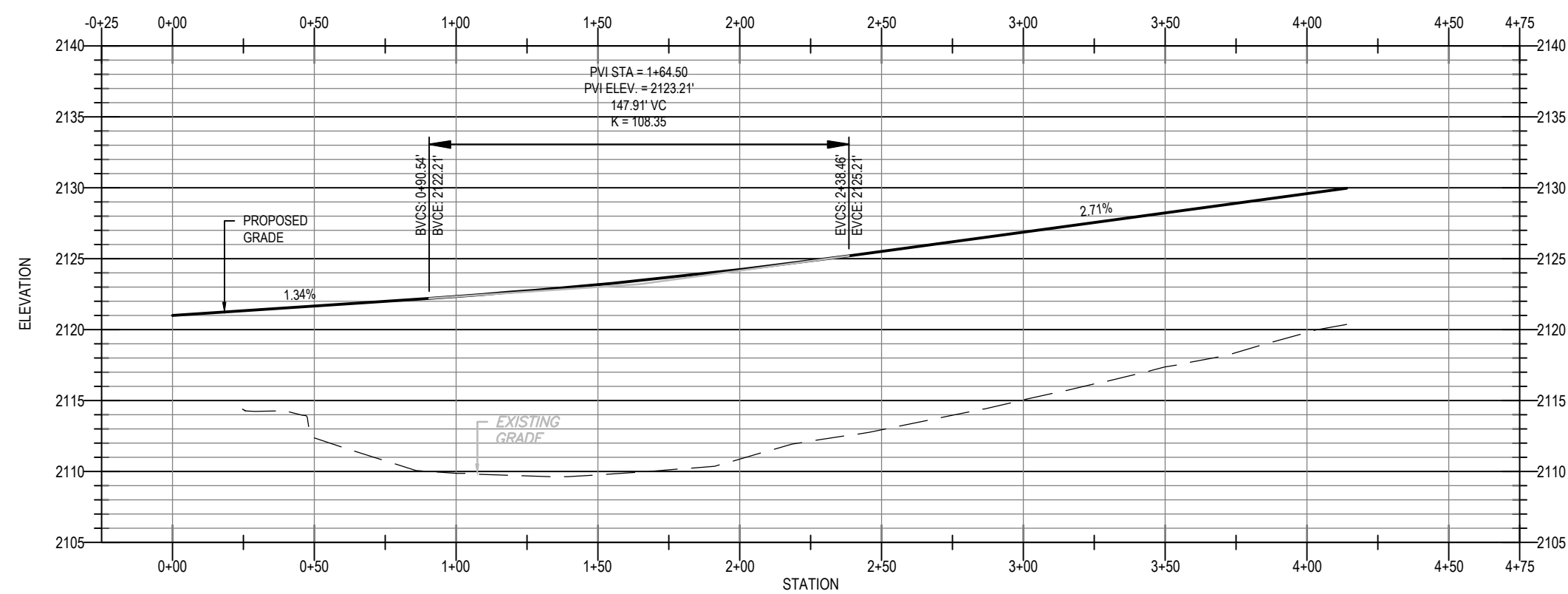
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ROAD 'C' PROFILE VIEW

H. SCALE: 1"=50'

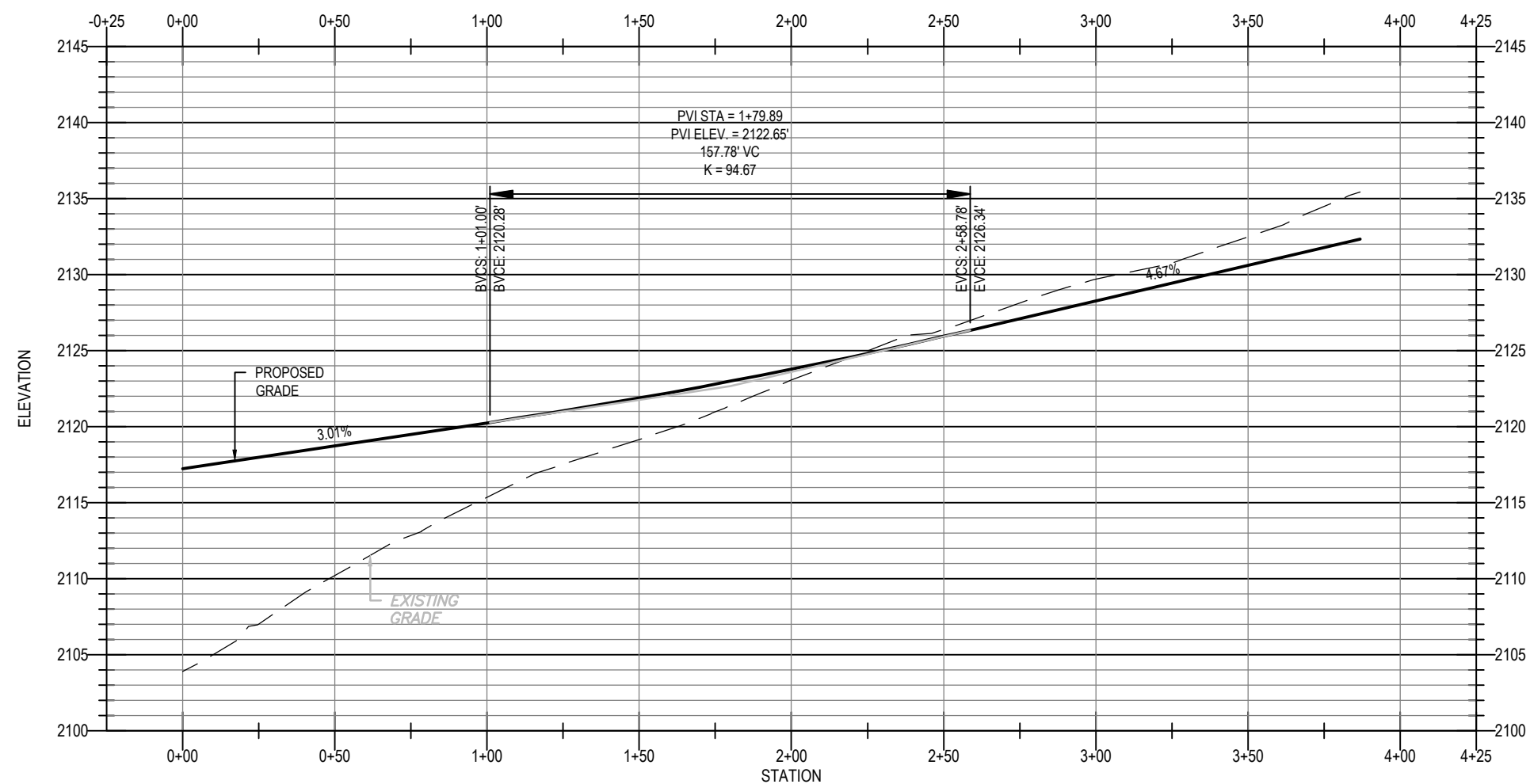
V. SCALE: 1"=10'



ROAD 'D' PROFILE VIEW

H. SCALE: 1"=50'

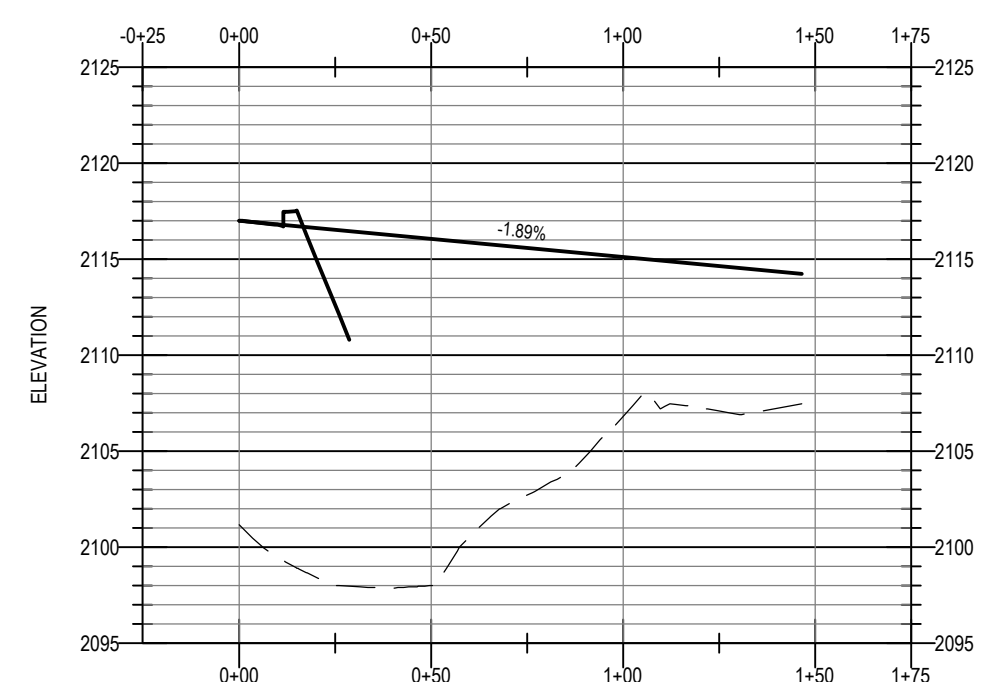
V. SCALE: 1"=10'



ROAD 'E' PROFILE VIEW

H. SCALE: 1"=50'

V. SCALE: 1"=10'



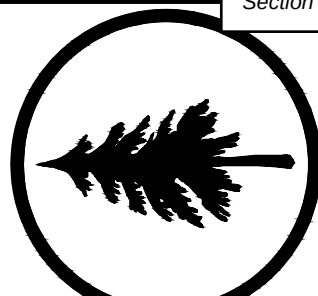
ROAD 'F' PROFILE VIEW

H. SCALE: 1"=50'

V. SCALE: 1"=10'



GRAPHIC SCALE
SCALE 1" = 50'



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T: 828.230.4511
F: 828.348.5040

NC FIRM NO.: C-3347



PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
PROVIDENCE WALK, LLC
City of Hendersonville
Henderson County, North Carolina

REVISION DESCRIPTION

Issue 1 - Submitted to City of Hendersonville for Review

Issue 2 - Submit Revised Tree Survey to City of Hendersonville (Sheet C-3)

Issue 1 - Submit Revised Plan Set to City of Hendersonville for Review

Issue 2 - Address City of Hendersonville Preliminary Plan Comments

Issue 1 - Submit to City of Hendersonville for Planning Board Review

Issue 2 - Address City of Hendersonville Planning Board Comments

DATE

#

A

B

C

PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

SEWERLINE
PLAN

PROJECT NO.

FVC011

DATE:

11/29/2021

ISSUE No. C-2

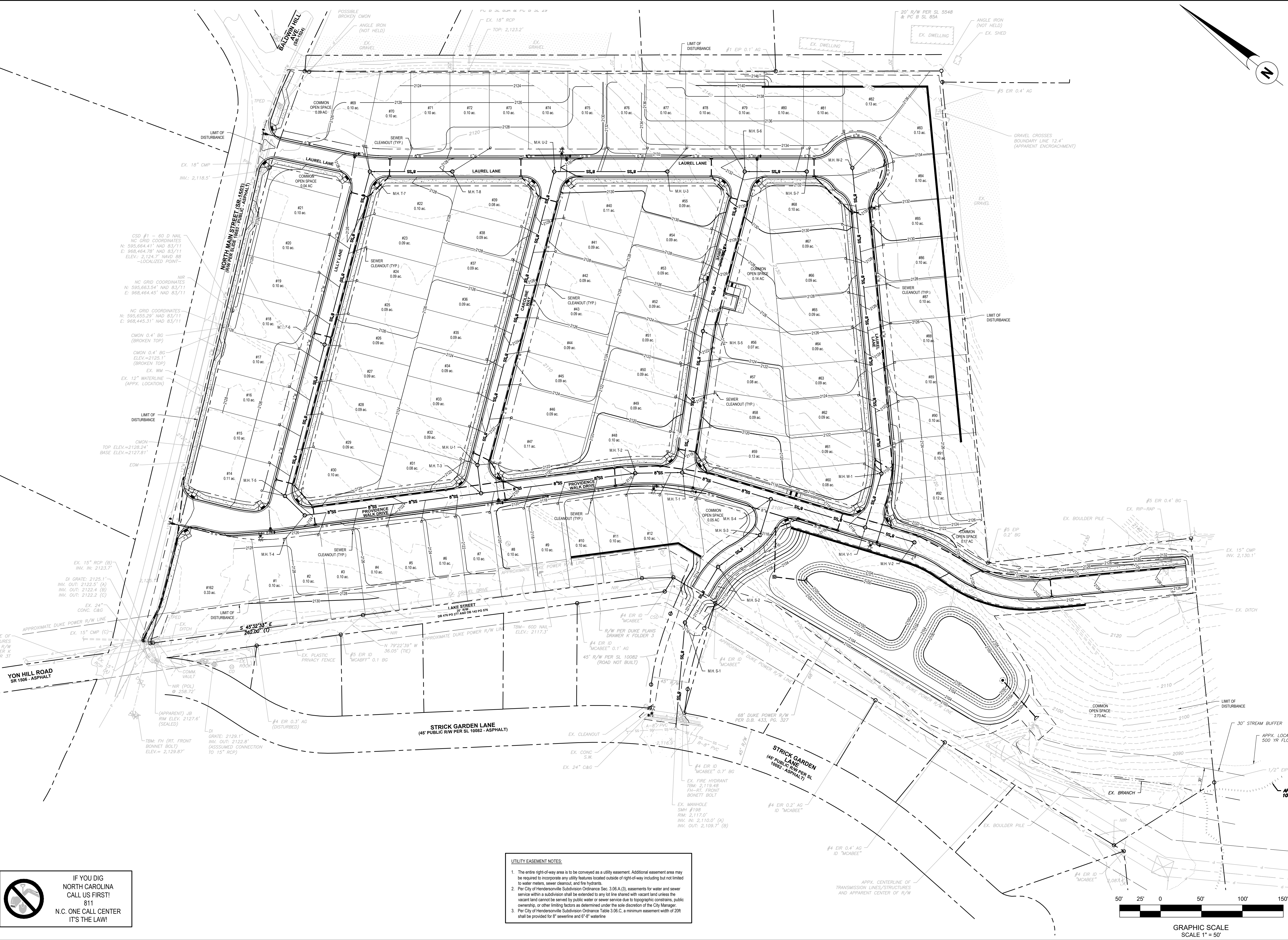
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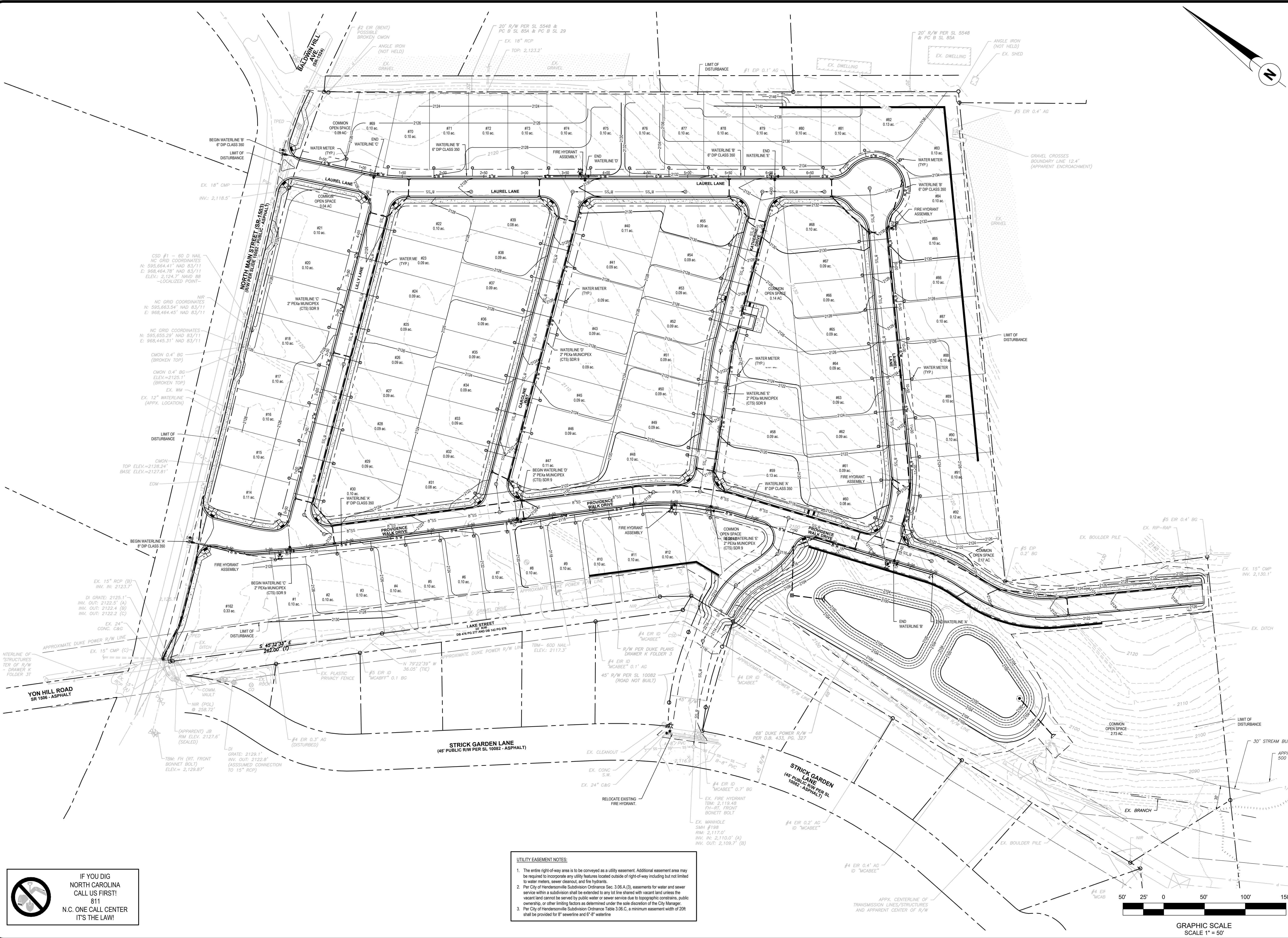
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- UTILITY EASEMENT NOTES:
- The entire right-of-way area is to be conveyed as a utility easement. Additional easement area may be required to incorporate any utility features located outside of right-of-way including but not limited to water meters, sewer cleanout, and fire hydrants.
 - Per City of Hendersonville Subdivision Ordinance Sec. 3.06.A.(3), easements for water and sewer service within a subdivision shall be extended to any lot line shared with vacant land unless the vacant land cannot be served by public water or sewer service due to topographic constraints, public ownership, or other limiting factors as determined under the sole discretion of the City Manager.
 - Per City of Hendersonville Subdivision Ordinance Table 3.06.C, a minimum easement width of 20ft shall be provided for 8" sewerline and 6" waterline.



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- UTILITY EASEMENT NOTES:
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 - Per City of Hendersonville Subdivision Ordinance Table 3.06.C, a minimum easement width of 20ft shall be provided for 8" sewerline and 6"-8" waterline.

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NC FIRM NO.: C-3347

PRELIMINARY
NOT FOR
CONSTRUCTION

PRELIMINARY SUBDIVISION PLANS FOR
PROVIDENCE WALK
for
PROVIDENCE WALK, LLC
City of Hendersonville
Henderson County, North Carolina

DATE	REVISION DESCRIPTION
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PROJECT NAME:

PROVIDENCE WALK

City of Hendersonville
Henderson County, NC

SHEET TITLE:

WATERLINE PLAN

PROJECT NO:

FVC011

SHEET NO:

C-7

DATE:

11/29/2021

ISSUE No. C-2

of 7

Application for Subdivision Plat Approval

Section 5, Item A.

Thank you for filling out the form. Your application has been submitted.

Remember: 1 Mylar and 2 paper copies of the subdivision plat are required to be submitted along with this application. Once the plat is signed, the applicant is required to take the Mylar to the Land Records office at the Henderson County courthouse. The 2 paper copies remain with the City.

Date:

11/5/2021

Type of Plat:

Land Subdivision

Address/Location of the Property:

1828 N. Main Street

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

9569857172, 9569853434, 9569834918, 9659853178, 9659851398

Current Zoning:

PRD-CZD

Acreage:

20.22

Lots:

93

Applicant Name:

Travis Fowler

Address

524 S. Caldwell Street, Brevard, North Carolina 28712

Phone

(828) 884-7934

Email

travis@firstvictory.com

Property Owner Name:

Providence Walk LLC

Address

542 S. Caldwell Street, Brevard, North Carolina 28712

Upload digital copy of plat here (optional)

[FVC011_2021-11-05_Prelim Planni...](#)

3.79 MB

**Property Owner's Signature:**

Troyis Fendls

Use back of application for additional property owners.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager **MEETING DATE:** December 13, 2021

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

TITLE OF ITEM: Major Subdivision: Preliminary Plat – Half Moon Heights (P21-67-SUB) – Matthew Manley, AICP – Planning Manager

<u>SUGGESTED MOTION(S):</u>	
<u>For Recommending Approval:</u> I move Planning Board Approve the Major Subdivision Plat for the subject property (PIN: 9568-00-1446) based on the Preliminary Plat submitted by the applicant and subject to the following conditions: Conditions that shall be satisfied prior to Final Plat approval include: [LIST ANY CONDITIONS THAT NEED TO BE SATISFIED] 1. _____ 2. _____ 3. _____ [DISCUSS & VOTE]	<u>For Recommending Denial:</u> I move Planning Board DENY the Major Subdivision Plat application for the subject property (PIN: 9568-00-1446) based on the Preliminary Plat submitted by the applicant for the following reason: [LIST ANY & ALL REASONS THAT THE PRELIMINARY PLAT DOES NOT SATISFY THE SUBDIVISION ORDINANCE] 1. _____ 2. _____ 3. _____ [DISCUSS & VOTE]

SUMMARY: The City is in receipt of an application for a Major Subdivision from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicant, and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to develop a 93-Lot single-family home subdivision on a 33.65 Acre Tract. This project requires rezoning approval from City Council for a proposed PRD Conditional Zoning District with a binding site plan.

PROJECT/PETITIONER NUMBER:	P21-67-SUB
PETITIONER NAME:	Joseph Schlotterbeck, Half Moon Land Holdings, Inc.
ATTACHMENTS:	1. Staff Report 2. Full Major Subdivision Plat Submittal 3. Application

Half Moon Heights

Major Subdivision / Preliminary Plat

(P21-67-SUB)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

PROJECT SUMMARY 2

Revised Preliminary Site Plan 3

SITE CONDITIONS – SITE IMAGES..... 4

AERIAL PHOTO 5

SUBDIVISION PLAT OVERVIEW 6

Plat Features: 7

REVIEW PROCEDURE 8

STAFF ASSESSMENT 9

ATTACHMENTS: 10

1) Full Size Major Subdivision Preliminary Plat 10

2) Application..... 10



PROJECT SUMMARY

Applicant: Half Moon Land Holdings, LLC.

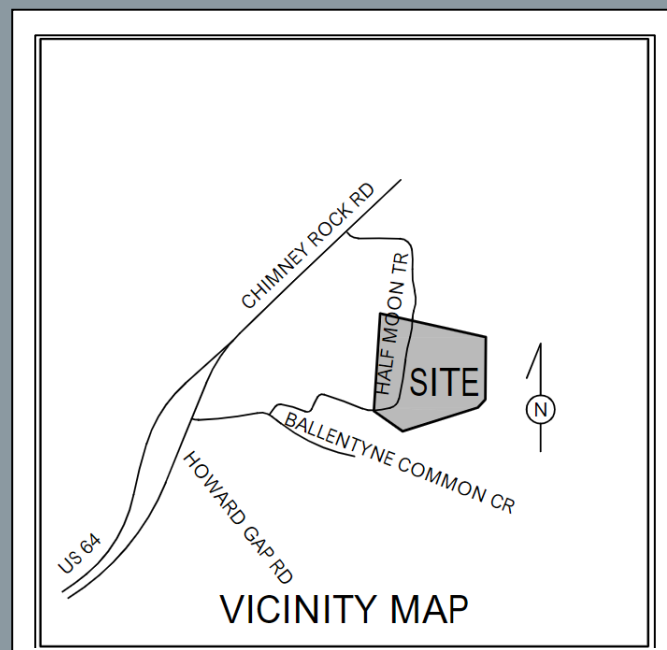
Property Owner: Triangle Ballantyne
Hendersonville, Inc.

Property Address: 297 Rustling Pines Ln.

Project Acreage: 33.65 Acres

Parcel Identification Number(s): 9680-00-1446

Current Zoning: PRD-CZD (Planned Residential
Development-CZD)



SITE VICINITY MAP

Summary Statement of Applicant Request:

The City is in receipt of a Major Subdivision (preliminary plat) application from Joseph Schlotterbeck of Half Moon Land Holdings, LLC (applicant) for the development of 93 Detached Single-Family Residential homes on a 33.65 Acre tract consisting of one parcel located within the city's municipal boundaries.

The parcel is currently vacant with the exception of an abandoned single-family home and a privately owned street used for emergency access to Ballentyne Commons. The land is heavily forested and contains steep slopes and significant grade changes.

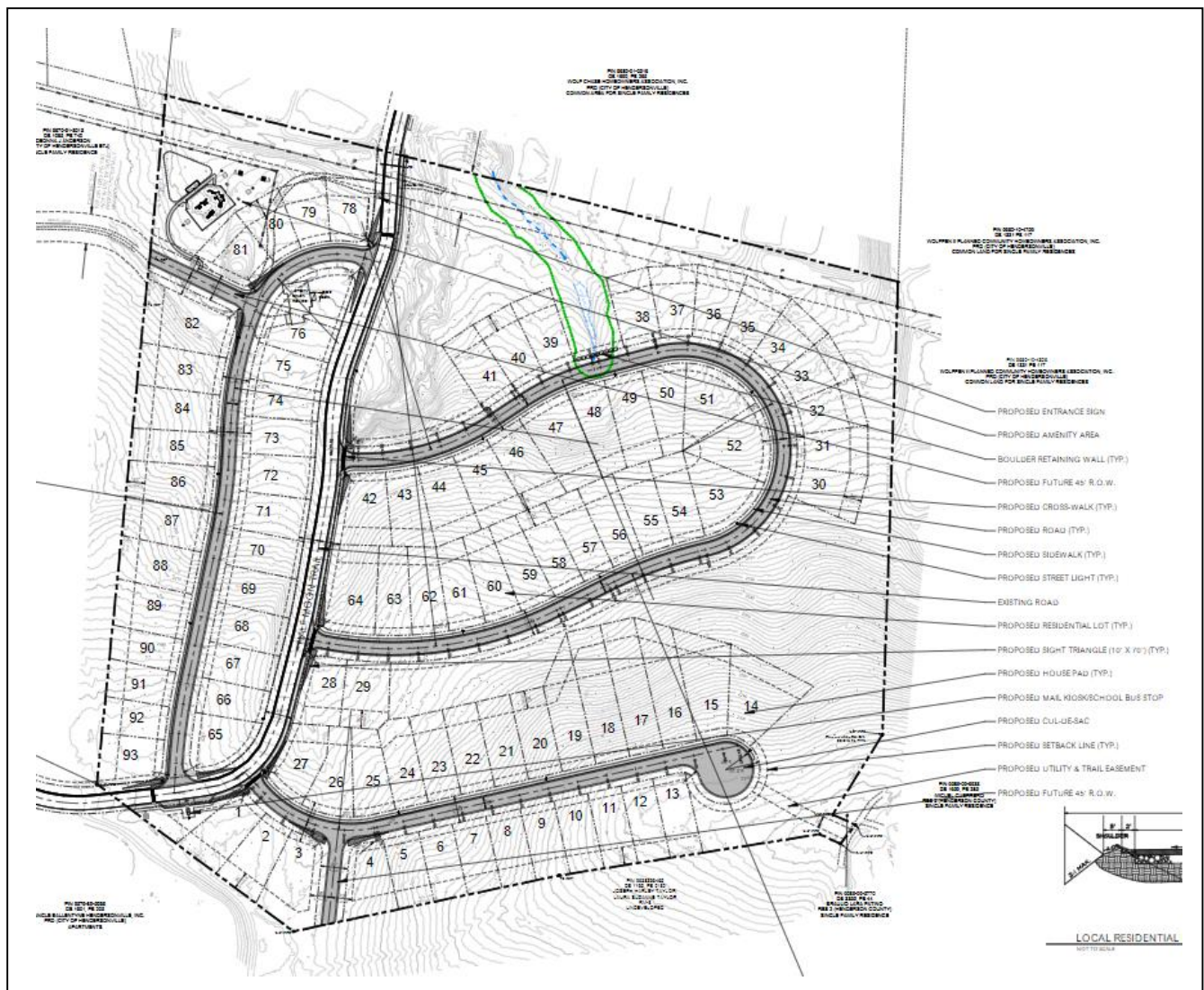
The applicant's request to rezone the property to PRD-CZD, Planned Residential Development - Conditional Zoning District with a binding site plan, was approved by City Council on December 2, 2021 with a density of 2.76 Units / Acre. As a CZD, the rezoning was approved subject to a site plan with conditions. The approved site plan along with a preliminary subdivision plat are provided for your review.

The Subdivision Ordinance dictates that subdivisions with over 8 dwelling units and/or those involving the provision of public infrastructure are considered *Major Subdivisions*. Major Subdivisions are required to be considered by the Planning Board as an Administrative Decision and therefore an Administrative Hearing must be conducted. Those terms are defined by state statute as follows:

Administrative decision. - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing. - A proceeding to gather facts needed to make an administrative decision.

PROJECT SUMMARY - CONTINUED



The Site Plan above provides a general overview of the site plan which was approved as part of the Conditional Rezoning. Some minor details may be adjusted in the Final Site Plan which are not shown above.

SITE CONDITIONS - SITE IMAGES

Access to Half Moon Trail at Wolf Chase



Example of primary site conditions.



View of Duke Energy ROW along north property boundary

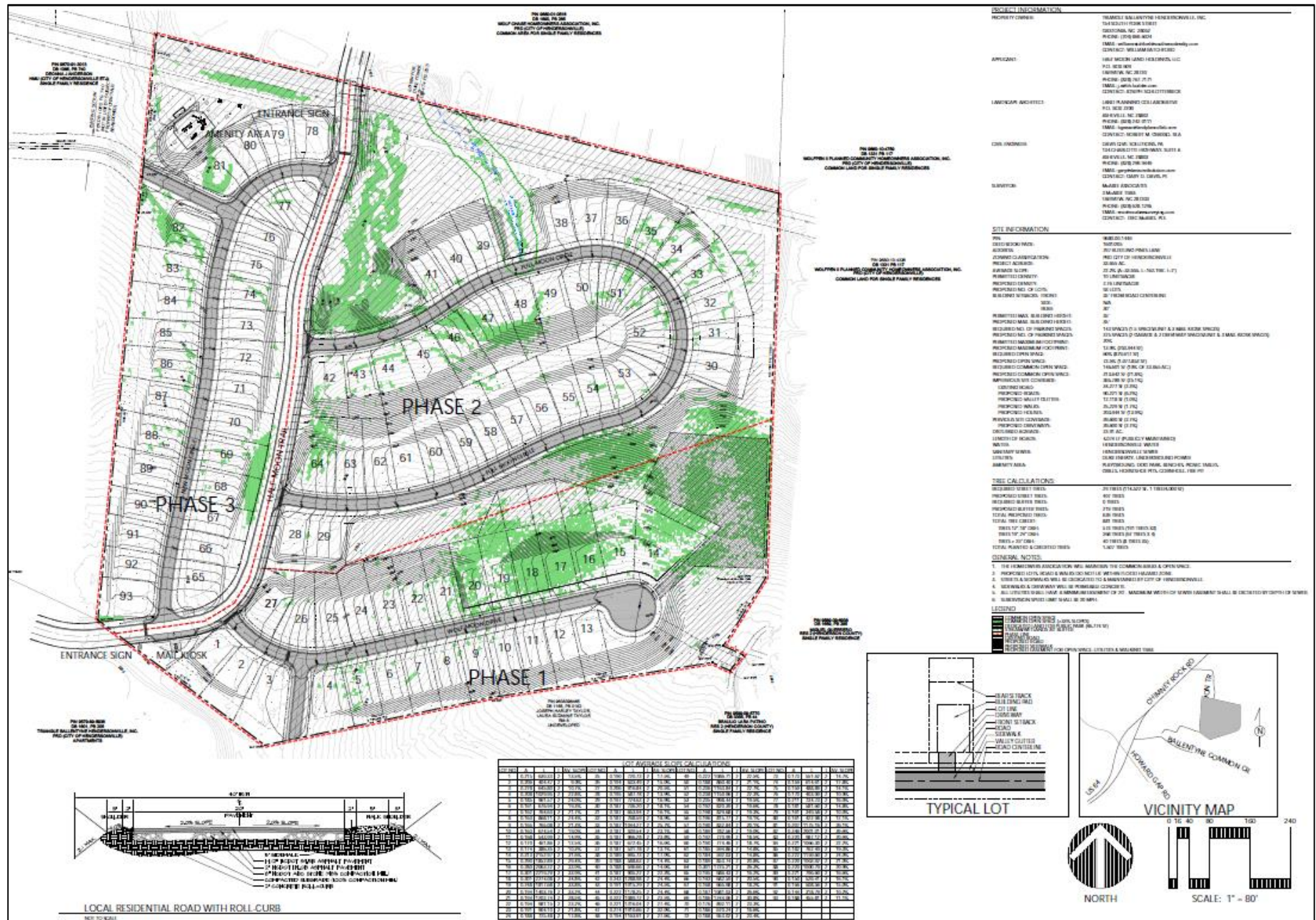


AERIAL PHOTO

Bird's Eye View - Oriented North

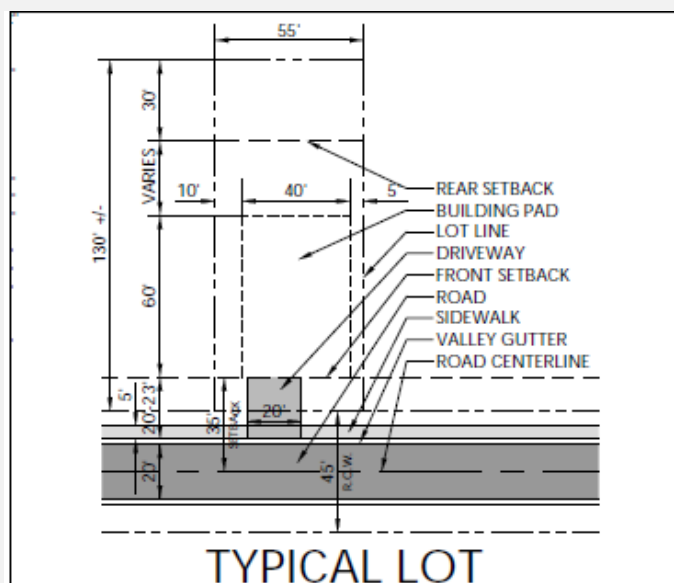


SUBDIVISION PLAT OVERVIEW

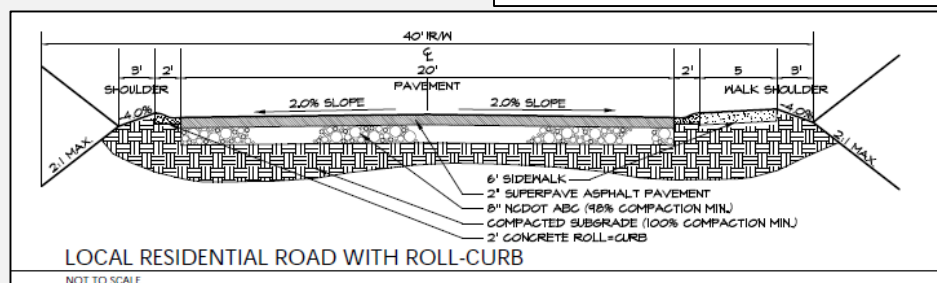


Plat Features:

- 93 Individual Lots / Single-Family Home Sites (typical lot = .16 Acres / 7,150 Sq Ft)
- 4 "Local" Public Streets (45' ROW) with Sidewalks
 - Interconnected Streets with Connectivity Index of 1.35 (11 Links / 8 Nodes).
 - This falls below the required Minimum of 1.4 Street Connectivity Index Score.
- Crosswalks at intersections
- 1 cul-de-sac
- Street Stub Outs with sidewalk stubs (future street connection) to west and south parcels.
- Pedestrian/Utility ROW connection to east (Gypsy Ln).
- Extension of Half Moon Trail Public Row
- Public Access along Half Moon Trail through Ballentyne Apartments
- Open Space throughout eastern side of development
- Amenity Area
- Cluster Mailbox Location
- Entrance Signs
- Wetlands Area
- Grading Plan / Steep Slopes
- Road Profiles
- Stormwater Plan
- Utility Plan
- Development Notes:



SITE INFORMATION	
PIN:	9680-00-1446
DEED BOOK/ PAGE:	1601/205
ADDRESS:	297 RUSTLING PINES LANE
ZONING CLASSIFICATION:	PRD CITY OF HENDERSONVILLE
PROJECT ACREAGE:	33.655 AC.
AVERAGE SLOPE:	22.2% (A-33.655, L-162.196', I-2')
PERMITTED DENSITY:	10 UNITS/ACRE
PROPOSED DENSITY:	2.76 UNITS/ACRE
PROPOSED NO. OF LOTS:	93 LOTS
BUILDING SETBACKS: FRONT:	35' FROM ROAD CENTERLINE
SIDE:	N/A
REAR:	30'
PERMITTED MAX. BUILDING HEIGHT:	35'
PROPOSED MAX. BUILDING HEIGHT:	35'
REQUIRED NO. OF PARKING SPACES:	143 SPACES (1.5 SPACES/UNIT & 3 MAIL KIOSK SPACES)
PROPOSED NO. OF PARKING SPACES:	375 SPACES (2 GARAGE & 2 DRIVEWAY SPACES/UNIT & 3 MAIL KIOSK SPACES)
PERMITTED MAXIMUM FOOTPRINT:	20%
PROPOSED MAXIMUM FOOTPRINT:	13.9% (203,944 SF)
REQUIRED OPEN SPACE:	60% (879,617 SF)
PROPOSED OPEN SPACE:	73.5% (1,077,853 SF)
REQUIRED COMMON OPEN SPACE:	146,601 SF (10% OF 33.655 AC.)
PROPOSED COMMON OPEN SPACE:	313,642 SF (21.8%)
IMPERVIOUS SITE COVERAGE:	365,789 SF (25.1%)
EXISTING ROAD:	34,277 SF (2.3%)
PROPOSED ROADS:	90,221 SF (6.2%)
PROPOSED VALLEY GUTTER:	12,118 SF (1.0%)
PROPOSED WALKS:	25,229 SF (1.7%)
PROPOSED HOUSES:	203,944 SF (13.9%)
PERVIOUS SITE COVERAGE:	39,600 SF (2.7%)
PROPOSED DRIVEWAYS:	39,600 SF (2.7%)
DISTURBED ACREAGE:	23.91 AC.
LENGTH OF ROADS:	4,074 LF (PUBLICLY MAINTAINED)
WATER:	HENDERSONVILLE WATER
SANITARY SEWER:	HENDERSONVILLE SEWER
UTILITIES:	DUKE ENERGY, UNDERGROUND POWER
AMENITY AREA:	PLAYGROUND, DOG PARK, BENCHES, PICNIC TABLES, GRILLS, HORSESHOE PITS, CORNHOLE, FIRE PIT



REVIEW PROCEDURE**ADMINISTRATIVE DECISION BY PLANNING BOARD**

- i. *Following staff review, the Planning Board, after the conclusion of a public meeting (see Section 2.03.G, Public Meeting and Hearing), shall review and make an Administrative Decision regarding the application in accordance with Section 2.04.H.4, Major Subdivision Review Standards. Notice of the Administrative Decision shall be delivered in accordance with Section 2.03.K.2.*
- ii. *The decision shall be either: approval of the Major Subdivision as proposed; approval of a revised major subdivision; or denial of the Major Subdivision.*
- iii. *The Planning Board shall render a decision on an application for a Major Subdivision within 32 days of the date of the first public meeting to consider the application unless a different review schedule is agreed to by the Planning Board, the City, and the applicant.*
- iv. *If a Major Subdivision application is denied, then the reasons for denial shall be stated in writing. The applicant may revise and resubmit a Major Subdivision that has been denied. Alternatively, an applicant may file an action to challenge the denial in the Superior Court for Henderson County seeking appropriate declaratory or equitable relief in the manner of and within the time periods specified by applicable laws.*

MAJOR SUBDIVISION REVIEW STANDARDS

- a. *An application for a Major Subdivision shall be approved, if it complies with the following:*
 - i. *The Major Subdivision is prepared and sealed by a licensed professional authorized by the State to prepare such documents;*
 - ii. *The Major Subdivision complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;*
 - iii. *The Major Subdivision includes all required certifications and other pertinent information as required by the City;*
 - iv. *All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT or City standards, as appropriate;*
 - v. *The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Hendersonville or Henderson County;*
 - vi. *Street names used in the subdivision shall not duplicate or be similar to the names of streets in an existing subdivision in Hendersonville or Henderson County;*
 - vii. *All standards or conditions of any prior applicable permits and development approvals; and*
 - viii. *The Major Subdivision complies with all other applicable requirements in this Ordinance and the City Code of Ordinances.*
- b. *Land located within a special flood hazard area shall comply with all applicable City standards for flood damage prevention.*

STAFF ASSESSMENT

Zoning Compliance:

Based on the review by staff, the submitted preliminary plat for Providence Walk meets the requirements of the PRD-CZD zoning district.

Subdivision Compliance:

Based on the review of the Half Moon Heights preliminary plat by staff, the DRC and Planning Staff make the following findings:

Article 3: Configuration

SECTION 3.02. LAND SUITABILITY - All applicable standards satisfied

SECTION 3.03. LOTS – D. Double or Reverse Frontage Lots require “a non-access buffer of 25 feet on one side of the lot bounded by a street, in addition to other dimensional requirements.”

SECTION 3.04. ACCESS TO LOTS - All applicable standards satisfied

SECTION 3.05. MONUMENTS - All applicable standards satisfied

SECTION 3.06 EASEMENTS – B. Utilities - Notes should be added to the plat stating location of utility easements.

SECTION 3.07. SUBDIVISION NAMES – Needs final confirmation from Henderson County

SECTION 3.08. CLUSTER MAILBOX UNITS – All applicable standards satisfied

SECTION 3.09. – DEDICATION OF PUBLIC LAND – Shown with hatched area on Sheet L-3

Article 4: Infrastructure

SECTION 4.02. GENERAL REQUIREMENTS – Primarily relates to post-approval construction standards

SECTION 4.03. STREETS - Section 4.03 B. Street Design 6. Connectivity requires a Minimum Connectivity Index Score of 1.4 for the PRD District.

- The proposed subdivision has a connectivity score of 1.35.
- Section 4.03 – B. 6. C. allows for a reduction of this standards if the following is found:
 - o *Minimum Connectivity Scores may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.*
- Staff recommends approval of the reduction from 1.4 to 1.35 based on the site constraints.

SECTION 4.04. SIDEWALKS – All applicable standards satisfied

SECTION 4.05. GREENWAYS – Does not appear to be applicable

SECTION 4.06. POTABLE WATER- All minimum standards satisfied

SECTION 4.07. SANITARY SEWER - All minimum standards satisfied

SECTION 4.08. FIRE PROTECTION - All applicable standards satisfied

Article 5: Environment

SECTION 5.01. STORMWATER MANAGEMENT - All applicable standards satisfied

SECTION 5.02. SEDIMENTATION & EROSION CONTROL - All applicable standards satisfied

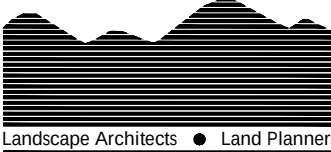
SECTION 5.03. STEEP SLOPES - All applicable standards satisfied. Note that “open space” easement will be placed on portions of steep slopes that were extended into open space in order to meet max. Impervious surface requirements for lots 14-19.

SECTION 5.04. OPEN SPACE STANDARDS - All applicable standards satisfied

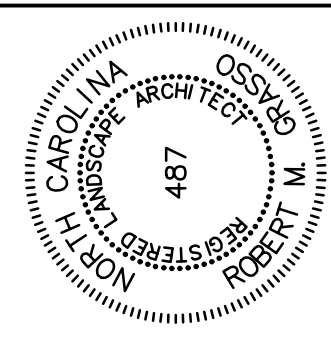
ATTACHMENTS:

- 1) Full Size Major Subdivision Preliminary Plat
- 2) Application

LAND PLANNING
COLLABORATIVE



P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com



TITLE SHEET

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 2021850
DWG. NAME: half-moon-site.dwg
DATE: November 1, 2021

REVISIONS:		
REV.	DATE:	BY:
1	12/3/21	RMG
2		
3		
4		

SHEET
L-1

HALF MOON HEIGHTS

HENDERSONVILLE, NORTH CAROLINA

NOVEMBER 1, 2021
REV.: 12/3/21

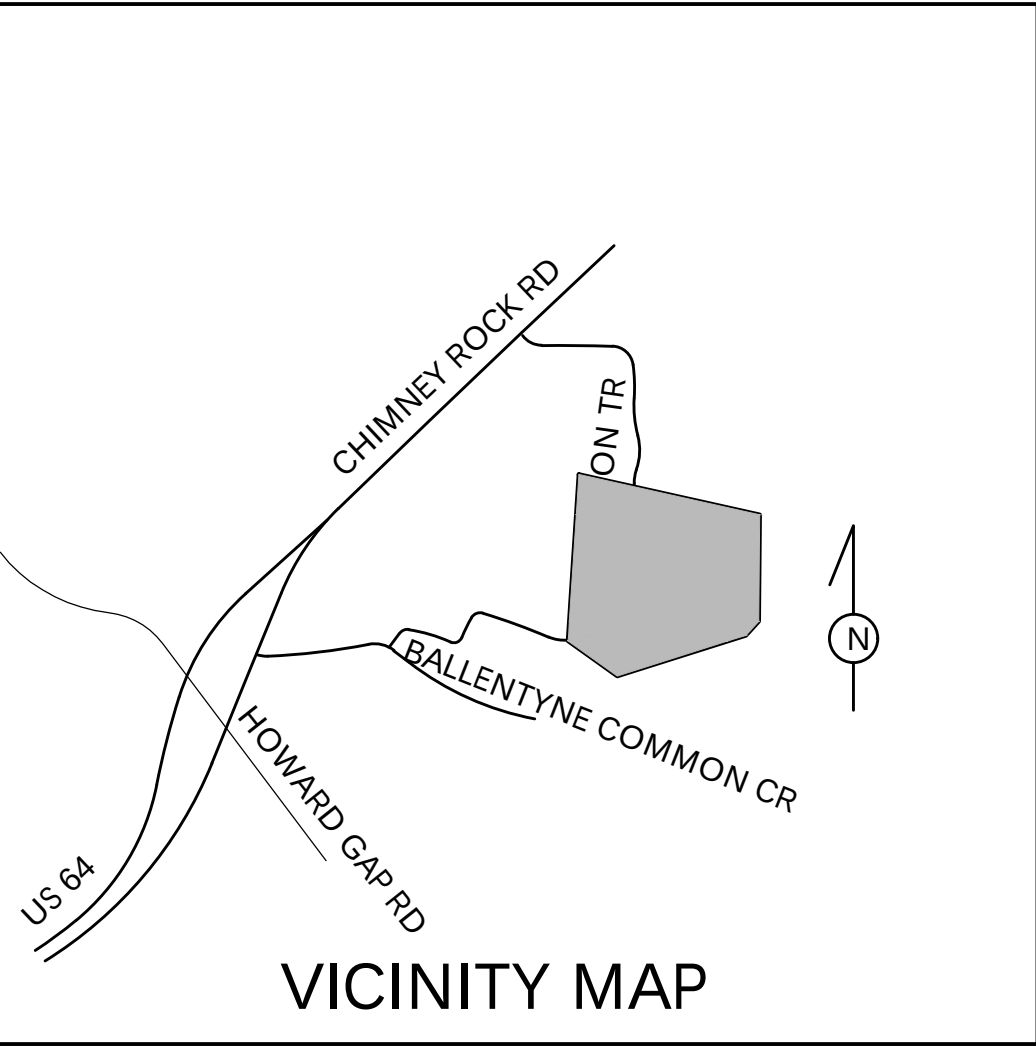
PROPERTY OWNER: TRIANGLE BALLANTYNE HENDERSONVILLE, INC.
154 SOUTH YORK STREET
GASTONIA, NC 28052
PHONE: (704) 869-6024
EMAIL: williamratchford@southwoodrealty.com
CONTACT: WILLIAM RATCHFORD

APPLICANT: HALF MOON LAND HOLDINGS, LLC
P.O. BOX 609
FAIRVIEW, NC 28730
PHONE: (828) 767-7171
EMAIL: j.s@bh-builder.com
CONTACT: JOSEPH SCHLOTTERBECK

LANDSCAPE ARCHITECT: LAND PLANNING COLLABORATIVE
P.O. BOX 2200
ASHEVILLE, NORTH CAROLINA 28802
PHONE: (828) 242-0111
EMAIL: bgrasso@landplancollab.com
CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER: DAVIS CIVIL SOLUTIONS
134-A CHARLOTTE HIGHWAY
ASHEVILLE, NORTH CAROLINA 28803
PHONE: (828) 299-9449
EMAIL: gary@cvlsol.com
CONTACT: GARY D. DAVIS, PE

SURVEYOR: McABEE ASSOCIATES
3 McABEE TRAIL
FAIRVIEW, NC 287303
PHONE: (828) 628-1295
EMAIL: eric@mcabeesurveying.com
CONTACT: ERIC McABEE, PLS



VICINITY MAP

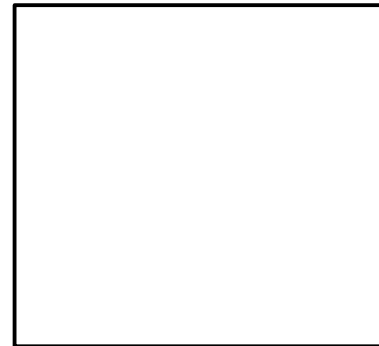
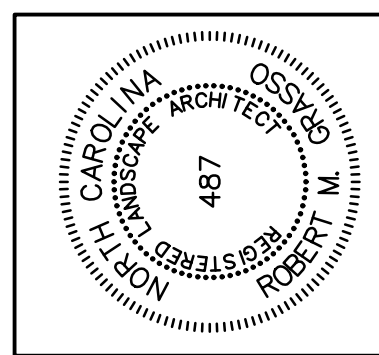
LIST OF DRAWINGS

- L-1 TITLE SHEET
- L-2 EXISTING CONDITIONS
- L-3 MAJOR SUBDIVISION/PRELIMINARY PLAT
- L-4 LAYOUT & MATERIALS PLAN
- L-5 GRADING PLAN
- L-6 ROAD 'A' VERTICAL ROAD DESIGN
- L-7 ROAD 'B' VERTICAL ROAD DESIGN
- L-8 ROADS 'B' & 'C' VERTICAL ROAD DESIGN
- L-9 EXISTING TREE SURVEY
- L-10 LANDSCAPE PLAN
- C3 PRELIMINARY STORM WATER
- C4.1 PRELIMINARY UTILITIES - WATER
- C4.2 PRELIMINARY UTILITIES - SEWER

LAND PLANNING
COLLABORATIVE

Landscape Architects • Land Planners

P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: tgrasso@landplancollab.com

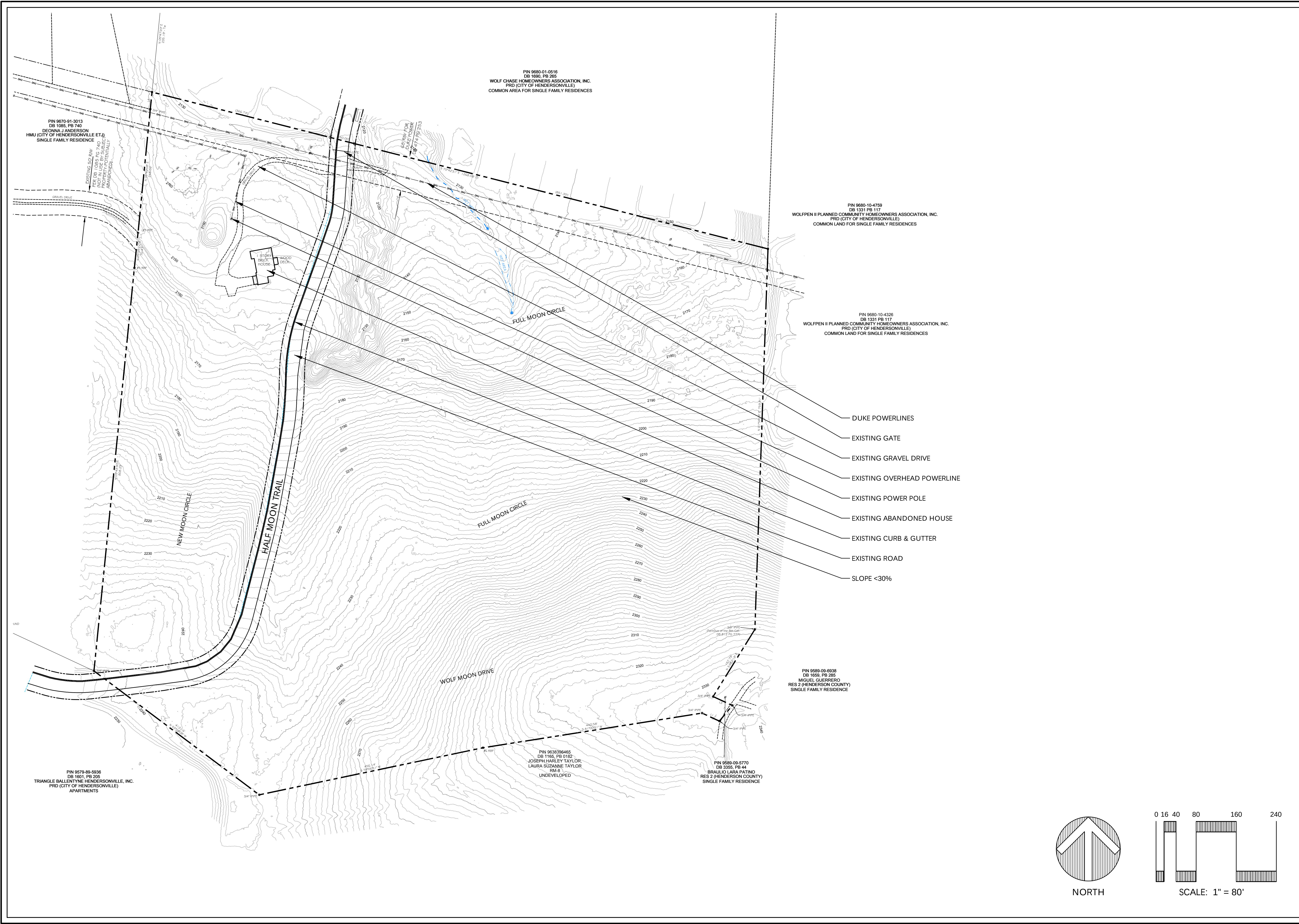


EXISTING CONDITIONS

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

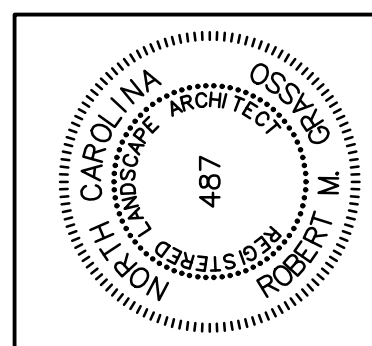
JOB NO.: 212850			
DWG. NAME: half-moon-site.dwg			
DATE: November 1, 2021			
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3	-	-	
4	-	-	
5	-	-	

SHEET
L-2



LAND PLANNING
COLLABORATIVE

P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

MAJOR SUBDIVISION/
PRELIMINARY PLATHALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850

DWG. NAME: half-moon-site.dwg

DATE: November 1, 2021

REVISIONS:

REV.	DATE	BY
1	12/3/21	RMG
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-3

PROJECT INFORMATION

PROPERTY OWNER:

TRIANGLE BALLANTYNE HENDERSONVILLE, INC.
154 SOUTH YORK STREET
GASTONIA, NC 28052
PHONE: (704) 869-6024
EMAIL: williamratchford@southwoodrealty.com
CONTACT: WILLIAM RATCHFORD

APPLICANT:

HALF MOON LAND HOLDINGS, LLC
P.O. BOX 609
FAIRVIEW, NC 28730
PHONE: (828) 767-7171
EMAIL: j.s@th-builder.com
CONTACT: JOSEPH SCHLOTTERBECK

LANDSCAPE ARCHITECT:

LAND PLANNING COLLABORATIVE
P.O. BOX 2200
ASHEVILLE, NC 28802
PHONE: (828) 242-0111
EMAIL: bgrasso@landplancollab.com
CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER:

DAVIS CIVIL SOLUTIONS, PA
134 CHARLOTTE HIGHWAY, SUITE A
ASHEVILLE, NC 28803
PHONE: (828) 299-9449
EMAIL: gary@daviscivilsolution.com
CONTACT: GARY D. DAVIS, PE

SURVEYOR:

McABEE ASSOCIATES
3 McABEE TRAIL
FAIRVIEW, NC 28730
PHONE: (828) 628-1295
EMAIL: eric@mcabeesurveying.com
CONTACT: ERIC McABEE, PLS

SITE INFORMATION

PIN: 9680-00-1446
DEED BOOK/ PAGE: 1601/205
ADDRESS: 297 RUSTLING PINES LANE
ZONING CLASSIFICATION: PRD CITY OF HENDERSONVILLE
PROJECT ACREAGE: 33.655 AC.
AVERAGE SLOPE: 22.2% (A=33.655, L=162.196', I=2')
PERMITTED DENSITY: 10 UNITS/ACRE
PROPOSED DENSITY: 2.76 UNITS/ACRE
PROPOSED NO. OF LOTS: 93 LOTS
BUILDING SETBACKS: FRONT: 35' FROM ROAD CENTERLINE
SIDE: N/A
REAR: 30'
PERMITTED MAX. BUILDING HEIGHT: 35'
PROPOSED MAX. BUILDING HEIGHT: 143 SPACES (1.5 SPACES/UNIT & 3 MAIL KIOSK SPACES)
REQUIRED NO. OF PARKING SPACES: 375 SPACES (2 GARAGE & 2 DRIVEWAY SPACES/UNIT & 3 MAIL KIOSK SPACES)
PROPOSED NO. OF PARKING SPACES: 20%
PERMITTED MAXIMUM FOOTPRINT: 13.9% (203,944 SF)
PROPOSED MAXIMUM FOOTPRINT: 60% (879,617 SF)
REQUIRED OPEN SPACE: 73.5% (1,077,853 SF)
PROPOSED OPEN SPACE: 146,601 SF (10% OF 33.655 AC.)
REQUIRED COMMON OPEN SPACE: 313,642 SF (21.8%)
PROPOSED COMMON OPEN SPACE: 365,789 SF (25.1%)
IMPERVIOUS SITE COVERAGE: 34,277 SF (2.3%)
EXISTING ROAD: 90,221 SF (6.2%)
PROPOSED ROADS: 12,118 SF (1.0%)
PROPOSED VALLEY GUTTER: 25,229 SF (1.7%)
PROPOSED WALKS: 203,944 SF (13.9%)
PERVIOUS SITE COVERAGE: 39,600 SF (2.7%)
PROPOSED DRIVEWAYS: 39,600 SF (2.7%)
DISTURBED ACREAGE: 23.91 AC.
LENGTH OF ROADS: 4,074 LF (PUBLICLY MAINTAINED)
WATER: HENDERSONVILLE WATER
SANITARY SEWER: HENDERSONVILLE SEWER
UTILITIES: DUKE ENERGY, UNDERGROUND POWER
AMENITY AREA: PLAYGROUND, DOG PARK, BENCHES, PICNIC TABLES, GRILLS, HORSESHOE PITS, CORNHOLE, FIRE PIT

TREE CALCULATIONS:

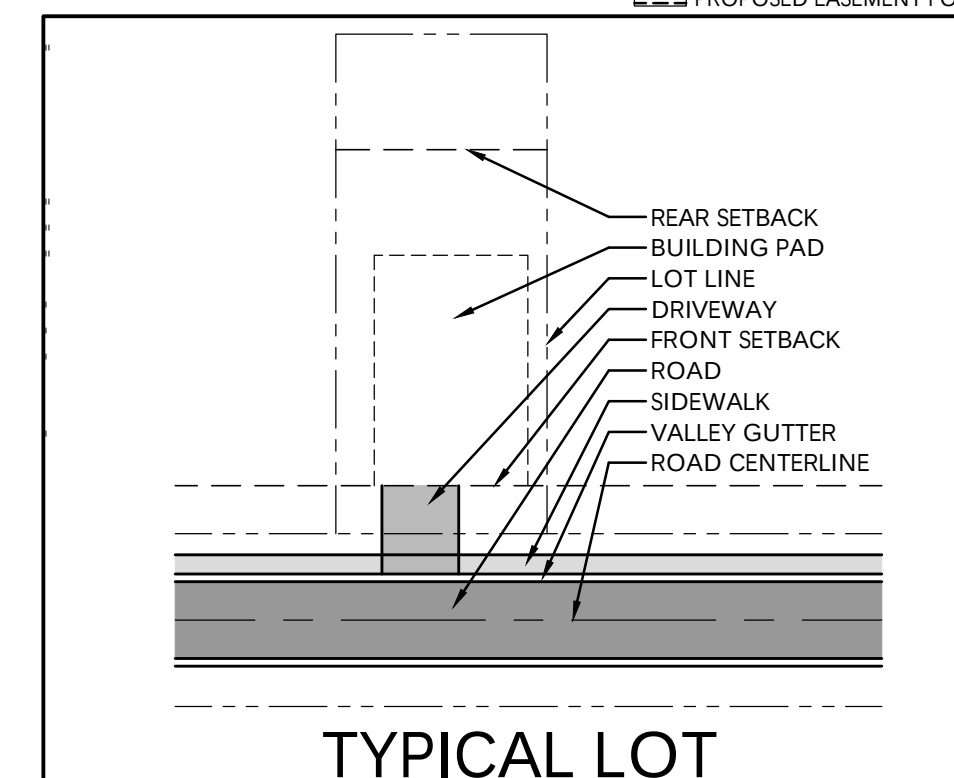
REQUIRED STREET TREES: 29 TREES (114,522 SF, 1 TREE/4,000 SF)
PROPOSED STREET TREES: 407 TREES
REQUIRED BUFFER TREES: 0 TREES
PROPOSED BUFFER TREES: 219 TREES
TOTAL PROPOSED TREES: 626 TREES
TOTAL TREE CREDIT: 881 TREES
TREES 12"-18" DBH: 573 TREES (191 TREES X3)
TREES 19"-24" DBH: 268 TREES (67 TREES X4)
TREES > 25" DBH: 40 TREES (8 TREES X5)
TOTAL PLANTED & CREDITED TREES: 1,507 TREES

GENERAL NOTES:

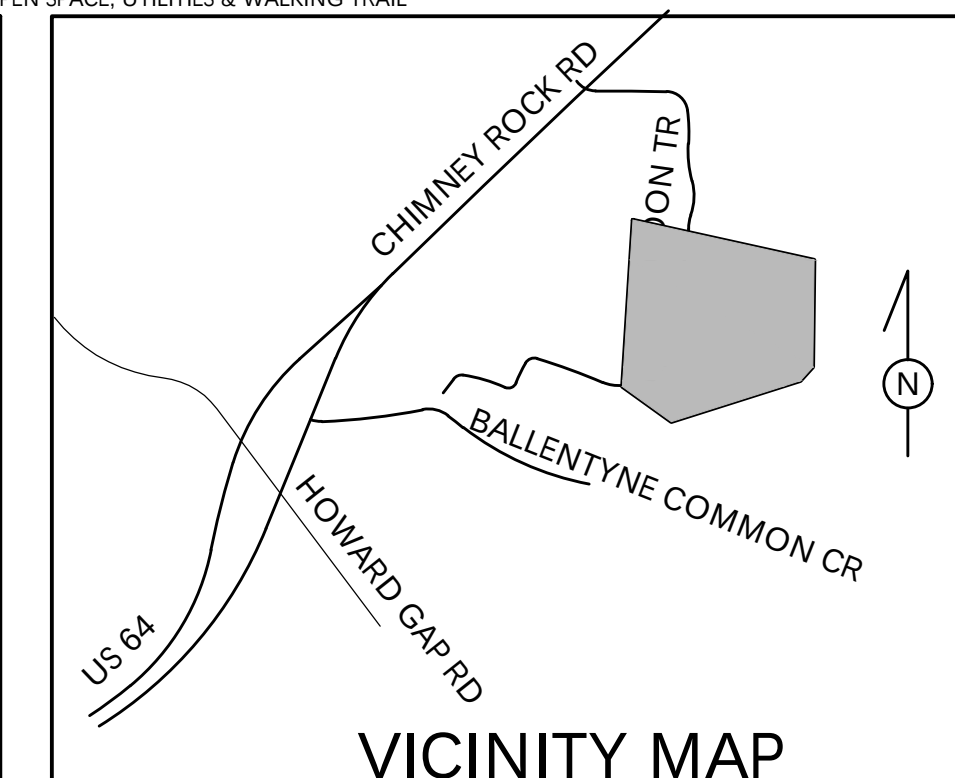
1. THE HOMEOWNERS ASSOCIATION WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED LOTS, ROAD & WALKS DO NOT LIE WITHIN FLOOD HAZARD ZONE.
3. STREETS & SIDEWALKS WILL BE DEDICATED TO & MAINTAINED BY CITY OF HENDERSONVILLE.
4. SIDEWALKS & DRIVEWAY WILL BE PERMEABLE CONCRETE.
5. ALL UTILITIES SHALL HAVE A MINIMUM EASEMENT OF 20'. MAXIMUM WIDTH OF SEWER EASEMENT SHALL BE DICTATED BY DEPTH OF SEWER.
6. SUBDIVISION SPEED LIMIT SHALL BE 20 MPH.

LEGEND

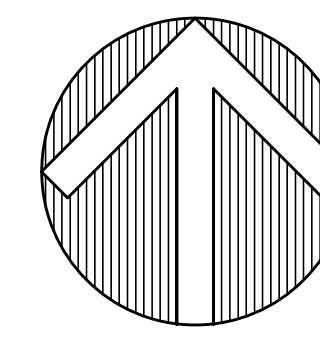
COMMON OPEN SPACE
COMMON OPEN SPACE (>33% SLOPES)
DEDICATED LAND FOR PUBLIC PARK (46,774 SF)
STREAM/WETLANDS: 30' BUFFER
PHASE LINE
EXISTING ROAD
PROPOSED ROAD
PROPOSED SIDEWALK
PROPOSED EASEMENT FOR OPEN SPACE, UTILITIES & WALKING TRAIL



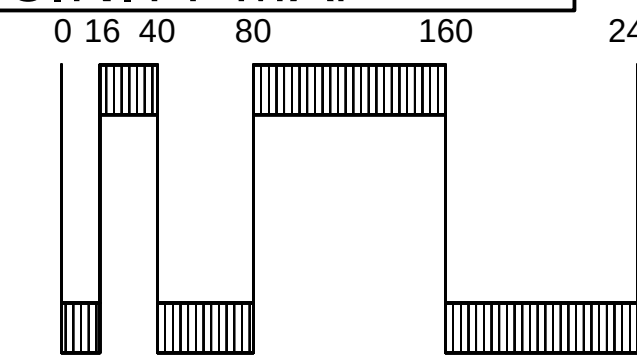
TYPICAL LOT



VICINITY MAP



NORTH



SCALE: 1" = 80'

PIN 9680-01-0516
DB 1690, PB 285
WOLF CHASE HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON AREA FOR SINGLE FAMILY RESIDENCES

PIN 9680-10-4759
DB 1331 PB 117
WOLF PEN II PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON LAND FOR SINGLE FAMILY RESIDENCES

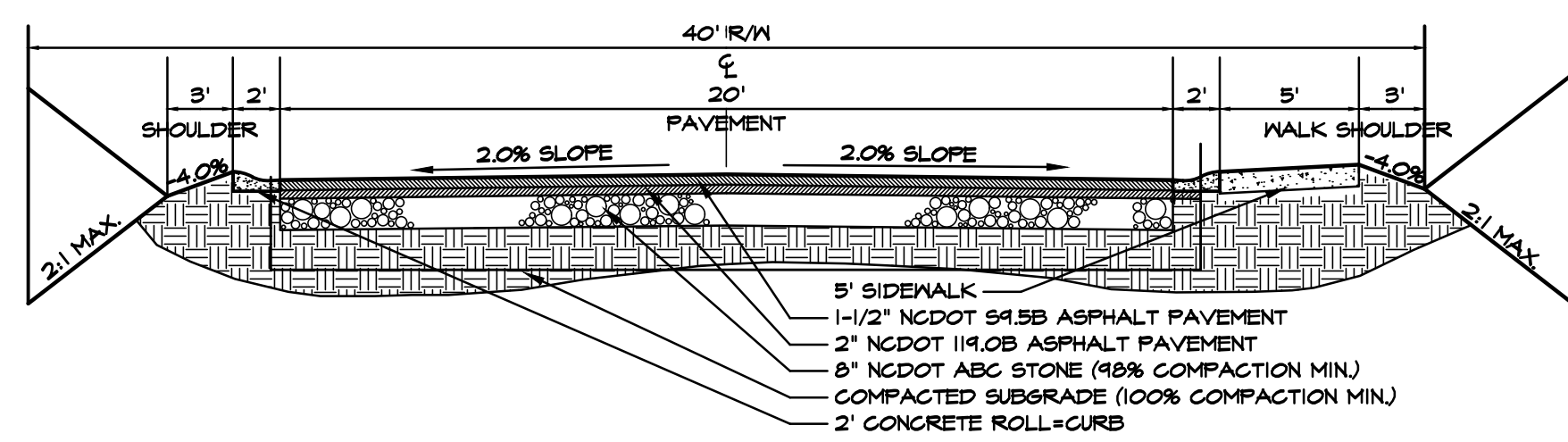
PIN 9680-10-4326
DB 1331 PB 117
WOLF PEN II PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON LAND FOR SINGLE FAMILY RESIDENCES

PIN 9680-09-6938
DB 1659, PB 285
MIGUEL GUERRERO
RES 2 (HENDERSON COUNTY)
SINGLE FAMILY RESIDENCE

PIN 9589-09-5770
DB 3355, PB 44
BRAULIO LARA PATINO
RES 2 (HENDERSON COUNTY)
SINGLE FAMILY RESIDENCE

PIN 9638-09-6485
DB 1165, PB 0102
JOSEPH HARLEY TAYLOR,
LAURA SUZANNE TAYLOR
RM-8
UNDEVELOPED

LOT AVERAGE SLOPE CALCULATIONS												
LOT NO.	A	L	AV. SLOPE	LOT NO.	A	L	AV. SLOPE	LOT NO.	A	L	AV. SLOPE	
1	0.215	630.33	2	13.5%	25	0.190	720.73	2	17.5%	49	0.222	1086.71
2	0.206	404.47	2	9.0%	26	0.194	633.49	2	15.0%	50	0.188	860.40
3	0.278	645.80	2	10.7%	27	0.206	916.84	2	20.5%	51	0.236	1163.84
4	0.208	1029.95	2	22.8%	28	0.195	587.78	2	13.9%	52	0.238	1150.96
5	0.185	961.57	2	24.0%	29	0.197	724.63	2	16.9%	53	0.235	998.44
6	0.161	676.94	2	19.3%	30	0.187	726.20	2	18.1%	54	0.192	820.39
7	0.162	764.63	2	21.7%	31	0.187	653.94	2	16.1%	55	0.198	829.68
8	0.163	868.11	2	24.4%	32	0.187	768.59	2	18.9%	56	0.196	815.77
9	0.165	765.08	2	21.3%	33	0.187	1044.27	2	25.7%	57	0.190	832.84
10	0.163	674.54	2	19.0%	34	0.187	939.54	2	23.1%	58	0.189	782.56
11	0.168	943.99	2	14.9%	35	0.187	906.28	2	23.8%	59	0.192	770.99
12	0.170	461.86	2	12.5%	36	0.187	672.45	2	16.6%	60	0.190	774.46
13	0.174	386.35	2	10.3%	37	0.187	531.78	2	13.1%	61	0.185	594.86
14	0.313	2152.97	2	31.6%	38	0.189	695.73	2	17.0%	62	0.184	592.03
15	0.290	1852.89	2	29.4%	39	0.188	588.63	2	14.4%	63	0.189	853.74
16	0.280	2063.22	2	33.9%	40	0.188	596.66	2	14.6%	64	0.301	1725.21
17	0.301	2219.29	2	33.9%	41	0.187	905.22	2	22.3%	65	0.195	686.43
18	0.301	2274.08	2	34.8%	42	0.243	1288.98	2	24.4%	66	0.193	682.59
19	0.248	1817.68	2	33.8%	43	0.191	1015.29	2	24.5%	67	0.168	665.98
20	0.194	1403.76	2	33.2%	44	0.222	1178.25	2	24.4%	68	0.187	1081.03
21	0.194	1202.74	2	28.5%	45	0.222	1089.72	2	22.5%	69	0.186	1244.06
22	0.194	981.15	2	23.2%	46	0.221	1316.04	2	27.4%	70	0.176	892.11
23	0.191	904.10	2	21.8%	47	0.274	1910.66	2	32.0%	71	0.186	670.24
24	0.188	725.48	2	17.8%	48	0.194	1163.91	2	27.6%	72	0.188	953.02



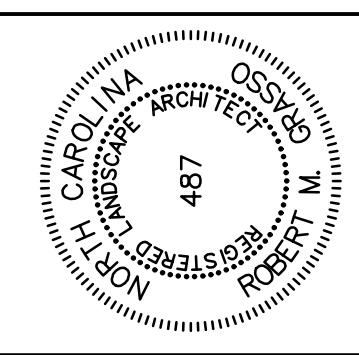
LOCAL RESIDENTIAL ROAD WITH ROLL-CURB

NOT TO SCALE

LAND PLANNING
COLLABORATIVE



P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com



LAYOUT & MATERIALS PLAN

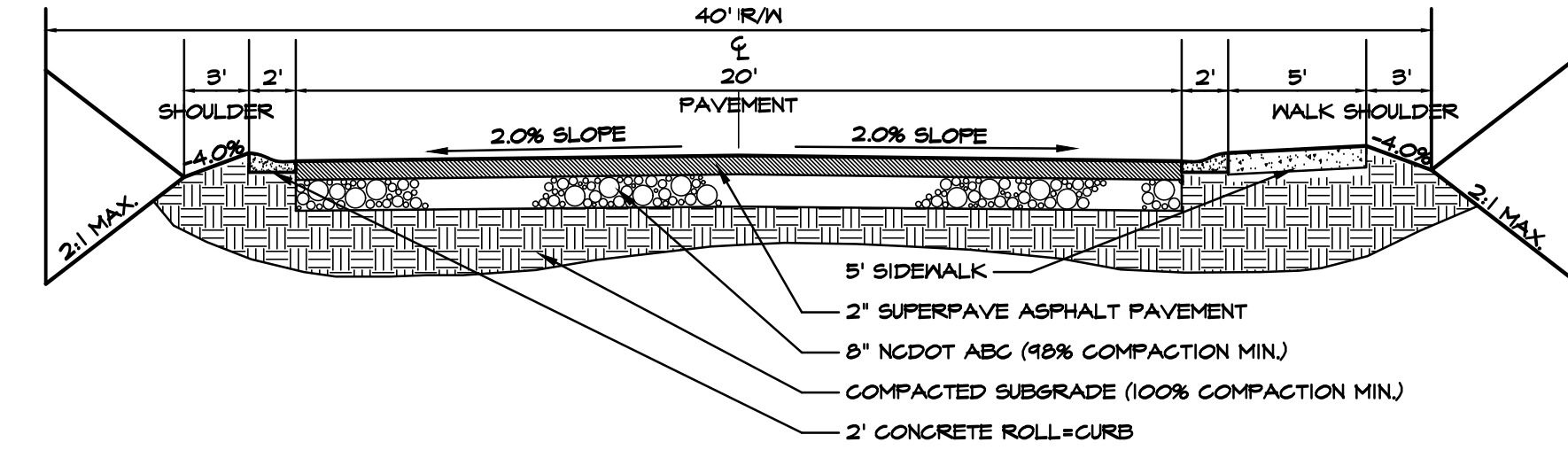
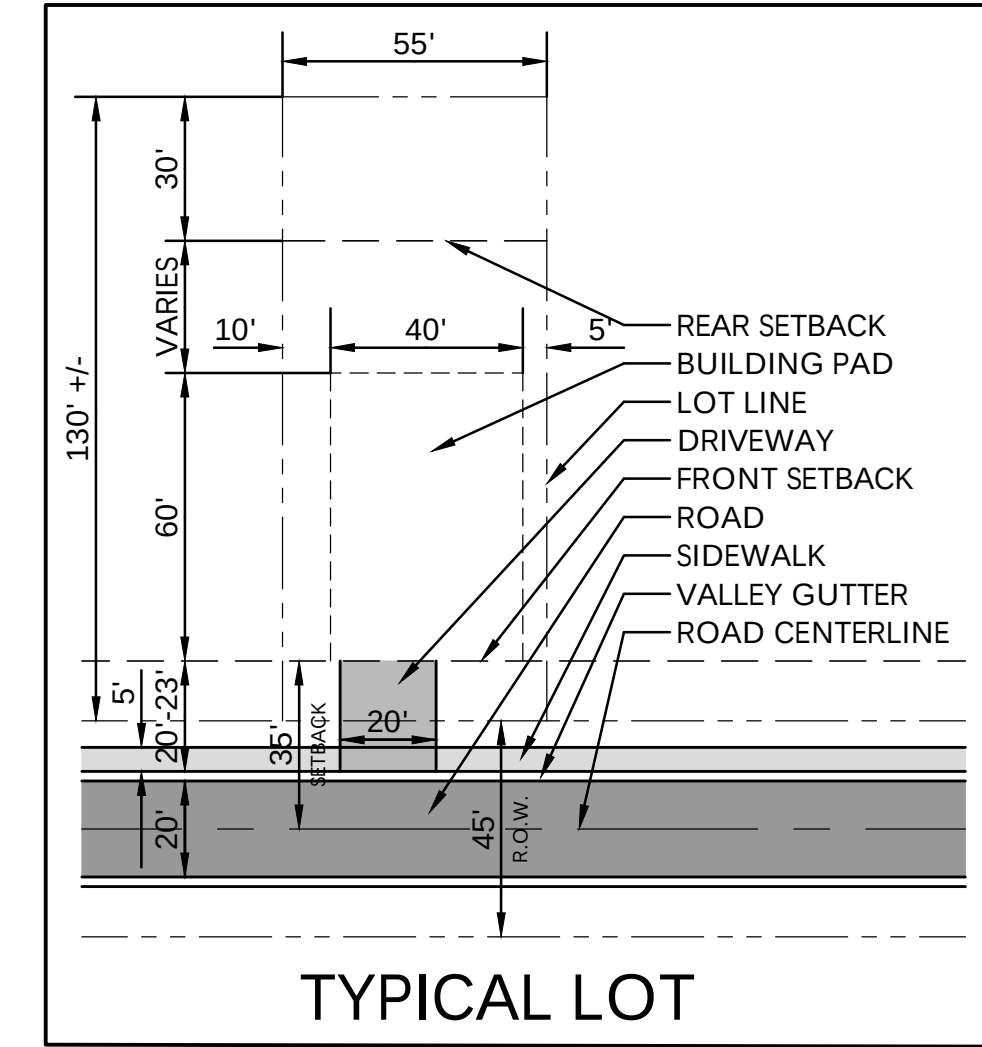
HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850		
DWG. NAME: half-moon-site.dwg		
DATE: November 1, 2021		
REVISIONS:		
REV.	DATE:	BY:
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SHEET
L-4

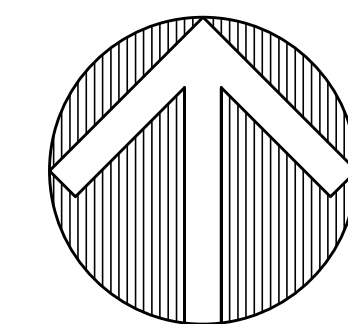
LAYOUT NOTES

1. DO NOT SCALE FROM DRAWINGS.
2. ALL DIMENSIONS TO FACE OF CURB OR WALL UNLESS NOTED OTHERWISE.
3. ALL ANGLES 90d UNLESS NOTED OTHERWISE.
4. ALL RADII ARE 5' UNLESS NOTED OTHERWISE.
5. VERIFY LAYOUT IN FIELD.
6. CONTACT LANDSCAPE ARCHITECT IF CONFLICTS OR AMBIGUITIES ARISE.
7. COORDINATE RELOCATION OF UTILITIES WITH UTILITY COMPANIES.
8. LAYOUT SHALL BE STAKED USING COORDINATE GEOMETRY.

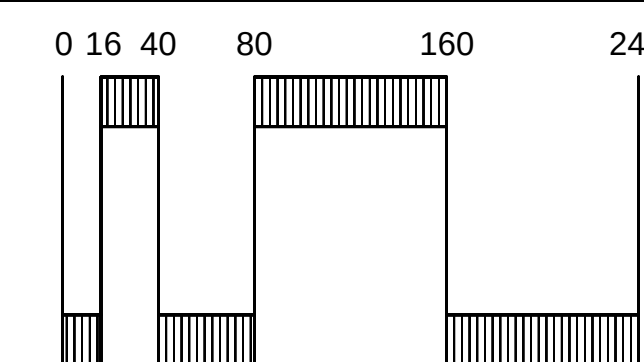


LOCAL RESIDENTIAL ROAD WITH ROLL-CURB

NOT TO SCALE

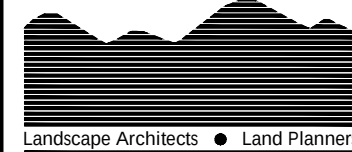


NORTH

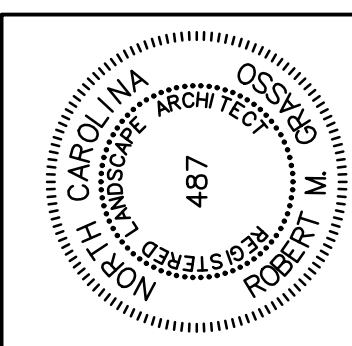


SCALE: 1" = 80'

LAND PLANNING
COLLABORATIVE



P.O. BOX 2202
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com



GRADING PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: November 1, 2021

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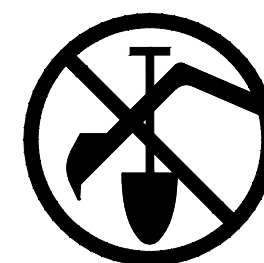
SHEET
L-5

GRADING NOTES

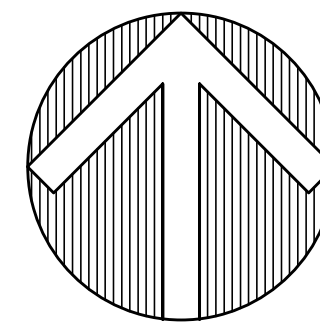
- CONTRACTOR SHALL PROVIDE PROOF OF ACTIVE GRADING PERMITS FOR ANY OFF-SITE BORROW OR WASTE SITES TO HENDERSON COUNTY & NCDEQ.
- TEMPORARY VEGETATION SHALL BE SEEDED & MULCHED WITHIN 14 DAYS OF COMPLETION OF GRADING FLAT AREAS OR WITHIN 7 DAYS OF COMPLETION OF ALL BERMS, SWALES, DITCHES, PERIMETER SLOPES, SLOPES ADJACENT TO UNNAMED TRIBUTARY AND SLOPES 3:1 OR GREATER.
- ALL DISTURBED AREAS SHALL BE SEEDED WITH TEMPORARY OR PERMANENT VEGETATION.
- PLACE CURLEX II, EROSION CONTROL BLANKET, BY AMERICAN EXCELSIOR COMPANY, ON ALL SLOPES 2:1 OR GREATER. INSTALL & FASTEN PER MANUFACTURER'S SPECIFICATIONS.
- MAINTAIN 2' UNDISTURBED BUFFER ALONG ALL PROPERTY LINES.
- INSTALL SILT FENCE AT TOE OF ALL FILL SLOPES.
- WATER SITE TO CONTROL DUST DURING PERIODS OF DRY WEATHER.
- COORDINATE ALL WORK WITH HENDERSON COUNTY & NCDEQ.
- PREPARE SEED BED PRIOR TO TEMPORARY OR PERMANENT SEEDING BY USING SURFACE ROUGHENING METHODS OUTLINED IN 'EROSION & SEDIMENT CONTROL PLANNING & DESIGN MANUAL', SECTION 6.03. ROUGHEN ALL SLOPES USING TRACKED MACHINERY SO THAT GROOVES ARE FORMED PARALLEL WITH THE SLOPE. DO NOT BACK BLADE SLOPES AFTER TRACKING. HYDROSEED & MULCH ROUGHENED SLOPES IMMEDIATELY AFTER TRACKING SLOPES.
- COORDINATE SITE PREPARATION WITH GEOTECHNICAL ENGINEER TO ENSURE REQUIRED COMPACTION HAS BEEN ACHIEVED.
- ALL SPOT ELEVATIONS AT BASE OF CURB OR WALLS AT FINISHED GRADE OR AT EDGE OF PAVEMENT, UNLESS NOTED OTHERWISE.
- HDPE: HIGH DENSITY POLYETHYLENE PIPE, TYPE S, NCDOT STD.
- PVC: POLYVINYL CHLORIDE PIPE, SCH. 40, NCDOT STD.
- CPP: CORRUGATED PERFORATED PLASTIC PIPE, NCDOT STD.
- MAINTAIN 12" MIN. COVER OVER ALL STORM DRAINAGE PIPES.
- MAINTAIN 1.0% SLOPE, MIN. ON ALL STORM DRAIN PIPES & DOWNSPOUT LEADERS.
- CO: CLEANOUT.
- DS: DOWNSPOUT.
- DROP INLET: BOX: NCDOT STD. 840.14, REV. B, STANDARD CONCRETE DROP INLET.
GRATE: NCDOT STD. 840.16, STANDARD GRATE & FRAME.
- FLARED END SECTION: NCDOT STD. 320.01, REV. B, STANDARD CORRUGATED METAL FLARED END SECTION
- VERIFY ALL GRADES IN FIELD. NOTIFY LANDSCAPE ARCHITECT IF CONFLICTS OR AMBIGUITIES ARISE.
- DISTURBED ACREAGE: 21.94 AC.
- BOULDER WALL HEIGHTS & LOCATIONS MAY VARY DEPENDING UPON FIELD CONDITIONS & GEOTECHNICAL ENGINEER RECOMMENDATIONS.

LEGEND

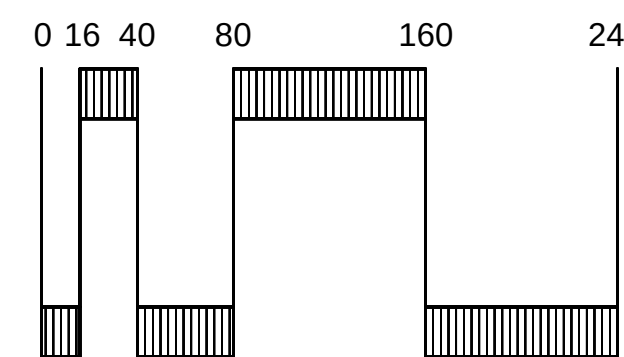
- SLOPES >30%
- STREAM/WETLANDS 30' BUFFER
- PHASE LINE
- EXISTING ROAD
- PROPOSED ROAD
- PROPOSED SIDEWALK



BEFORE YOU DIG
CALL 1-800-632-4549
N.C. ONE-CALL CENTER
IT'S THE LAW!



NORTH



SCALE: 1" = 80'



PIN 9680-01-0516
DB 1690, PB 265
WOLF CHASE HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON AREA FOR SINGLE FAMILY RESIDENCES

PIN 9670-91-3013
DB 1085, PB 740
DEONNA J ANDERSON
HMU (CITY OF HENDERSONVILLE ETJ)
SINGLE FAMILY RESIDENCE

PIN 9680-10-4759
DB 1331 PB 117
WOLFPEN II PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON LAND FOR SINGLE FAMILY RESIDENCES

PIN 9680-10-4326
DB 1331 PB 117
WOLFPEN II PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC.
PRD (CITY OF HENDERSONVILLE)
COMMON LAND FOR SINGLE FAMILY RESIDENCES

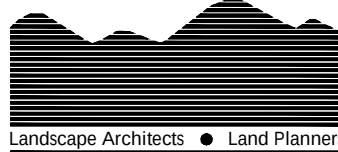
PIN 9589-09-6938
DB 1659, PB 285
MIGUEL GUERRERO
RES 2 (HENDERSON COUNTY)
SINGLE FAMILY RESIDENCE

PIN 9638396465
DB 1165, PB 0182
JOSEPH HARLEY TAYLOR
LAURA SUZANNE TAYLOR
RM-8
UNDEVELOPED

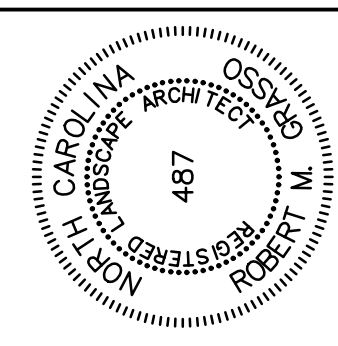
PIN 9680-09-6770
DB 3355, PB 44
BRASILIO LARA PATINO
RES 2 (HENDERSON COUNTY)
SINGLE FAMILY RESIDENCE

PIN 9579-89-5936
DB 1901, PB 205
TRIANGLE BALLENTYNE HENDERSONVILLE, INC.
PRD (CITY OF HENDERSONVILLE)
APARTMENTS

LAND PLANNING
COLLABORATIVE



P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

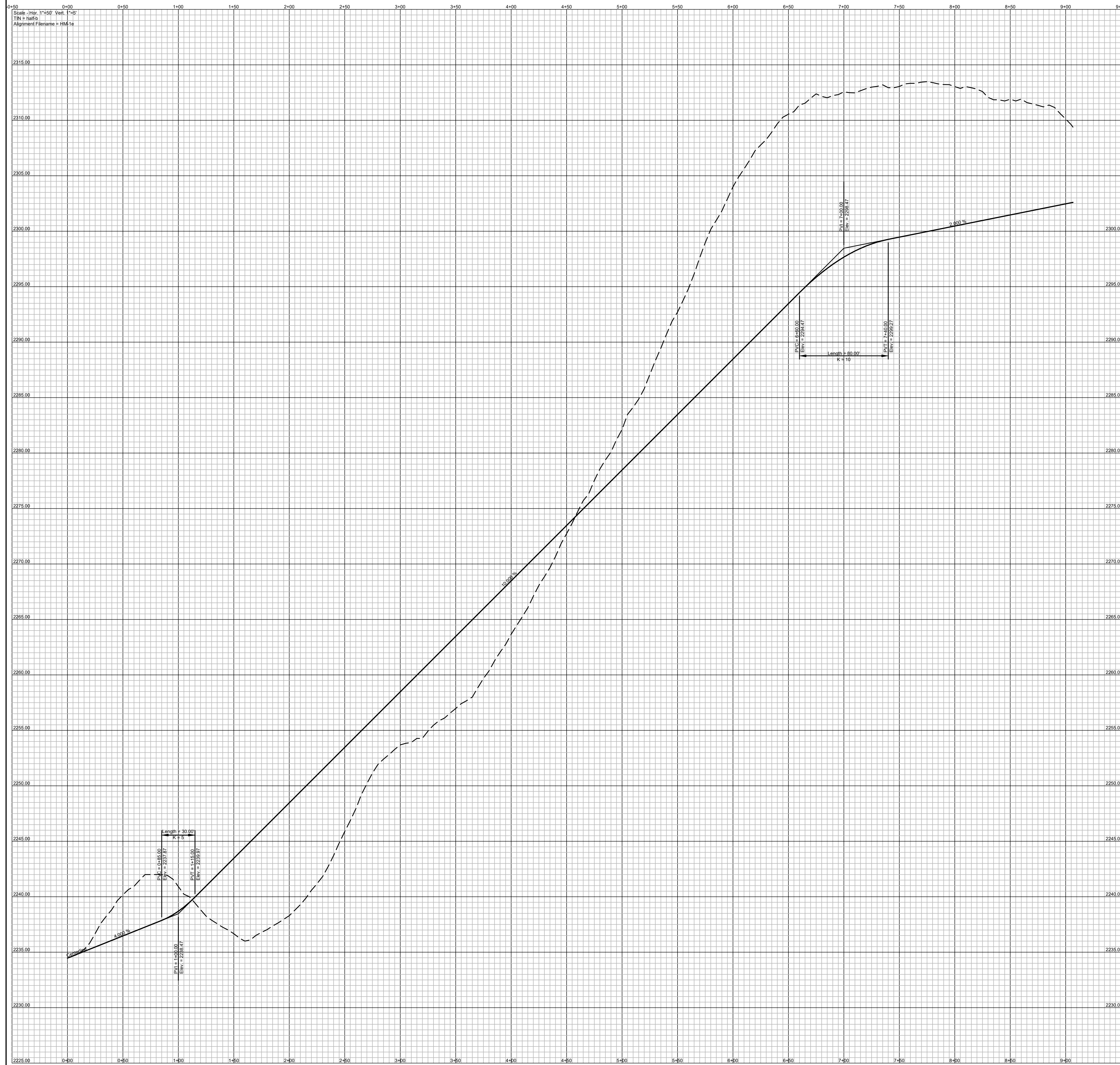


WOLF MOON DRIVE &
FULL MOON CIRCLE
VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

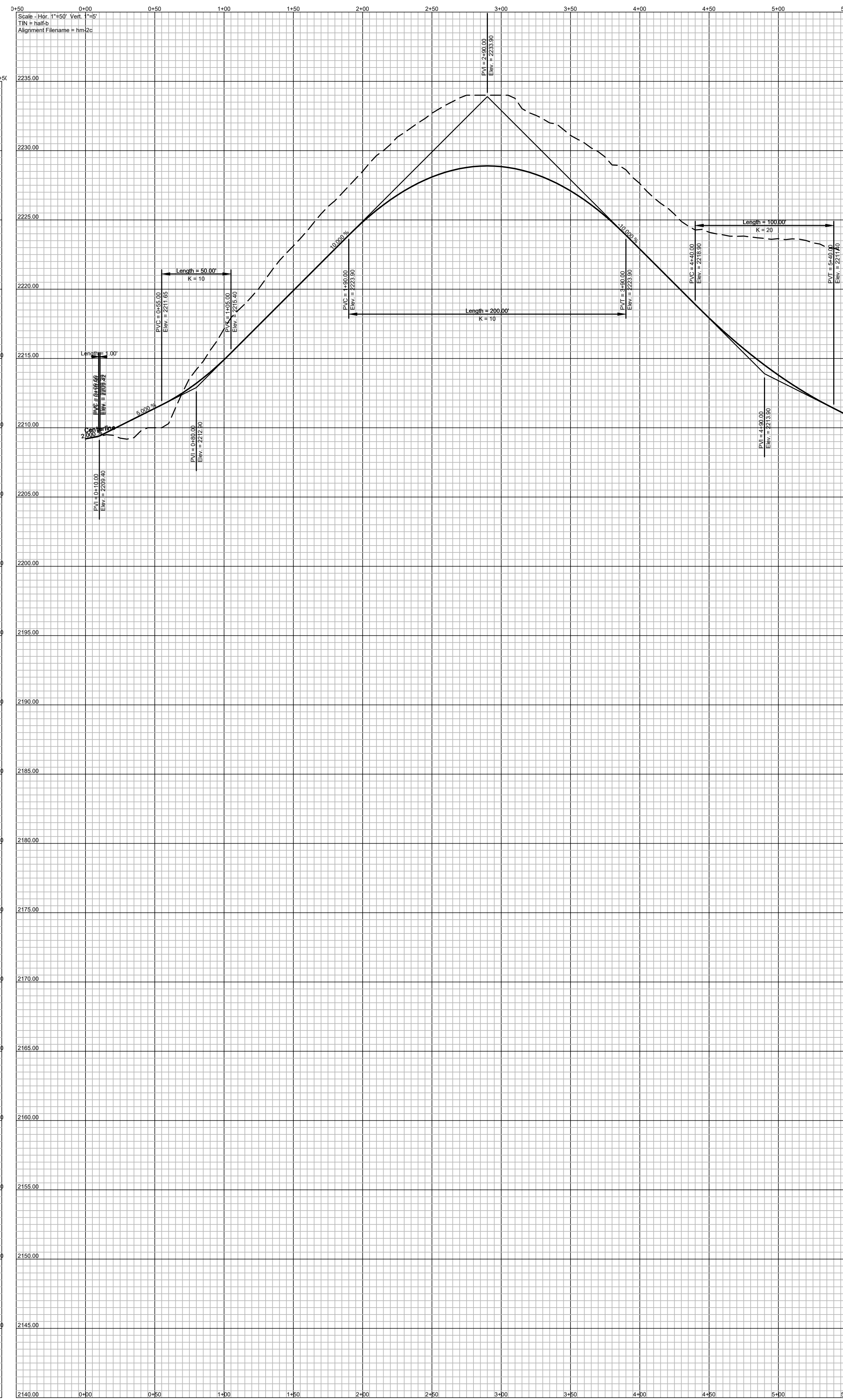
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DWG. NAME: half-moon-site.dwg		
DATE: November 1, 2021		
REVISIONS:		
REV.:	DATE:	BY:
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3	-	-
4	-	-
5	-	-

SHEET
L-6



WOLF MOON DRIVE

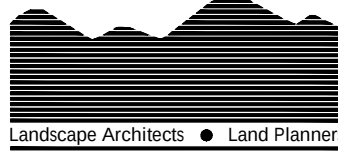
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VERT.: SCALE: 1" = 5'



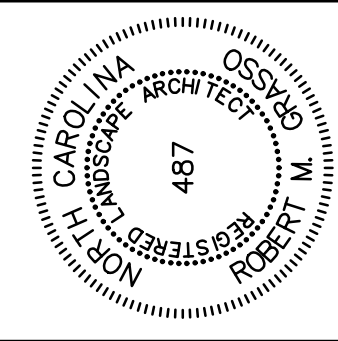
FULL MOON CIRCLE

SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'

LAND PLANNING
COLLABORATIVE



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ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com



FULL MOON CIRCLE
VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850

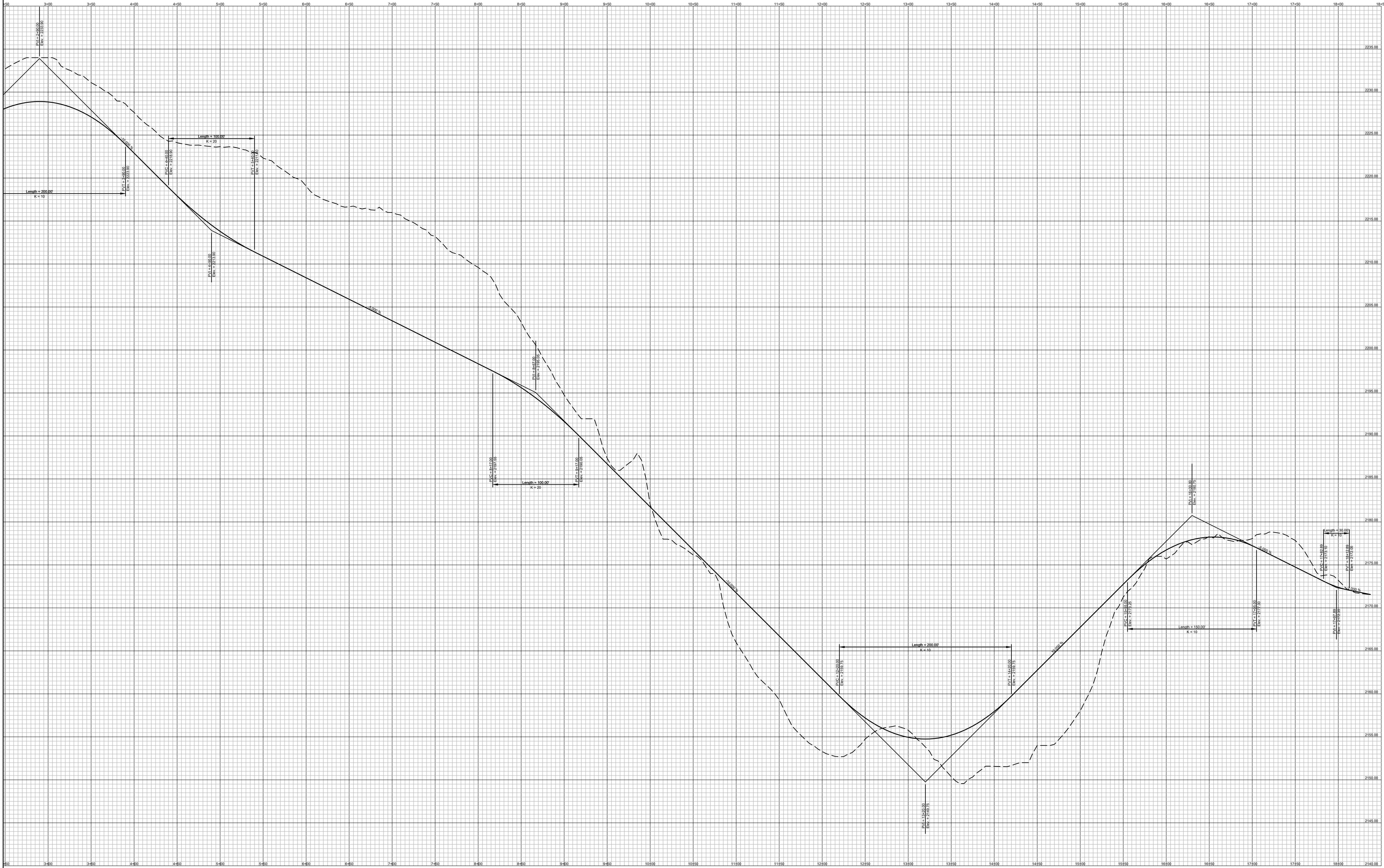
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DATE: November 1, 2021

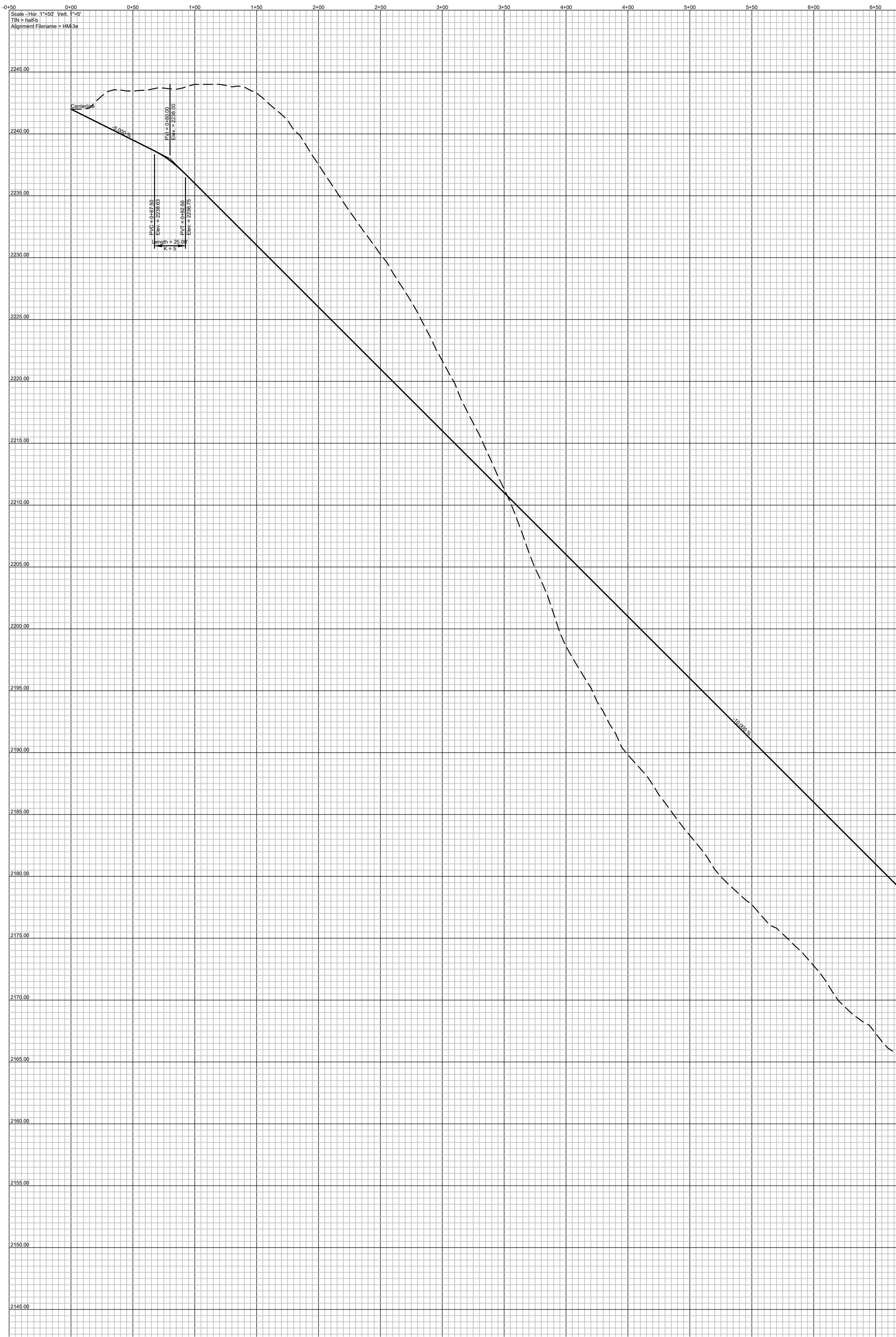
REVISIONS:

REV.	DATE	BY
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2	-	-
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5	-	-

SHEET
L-7

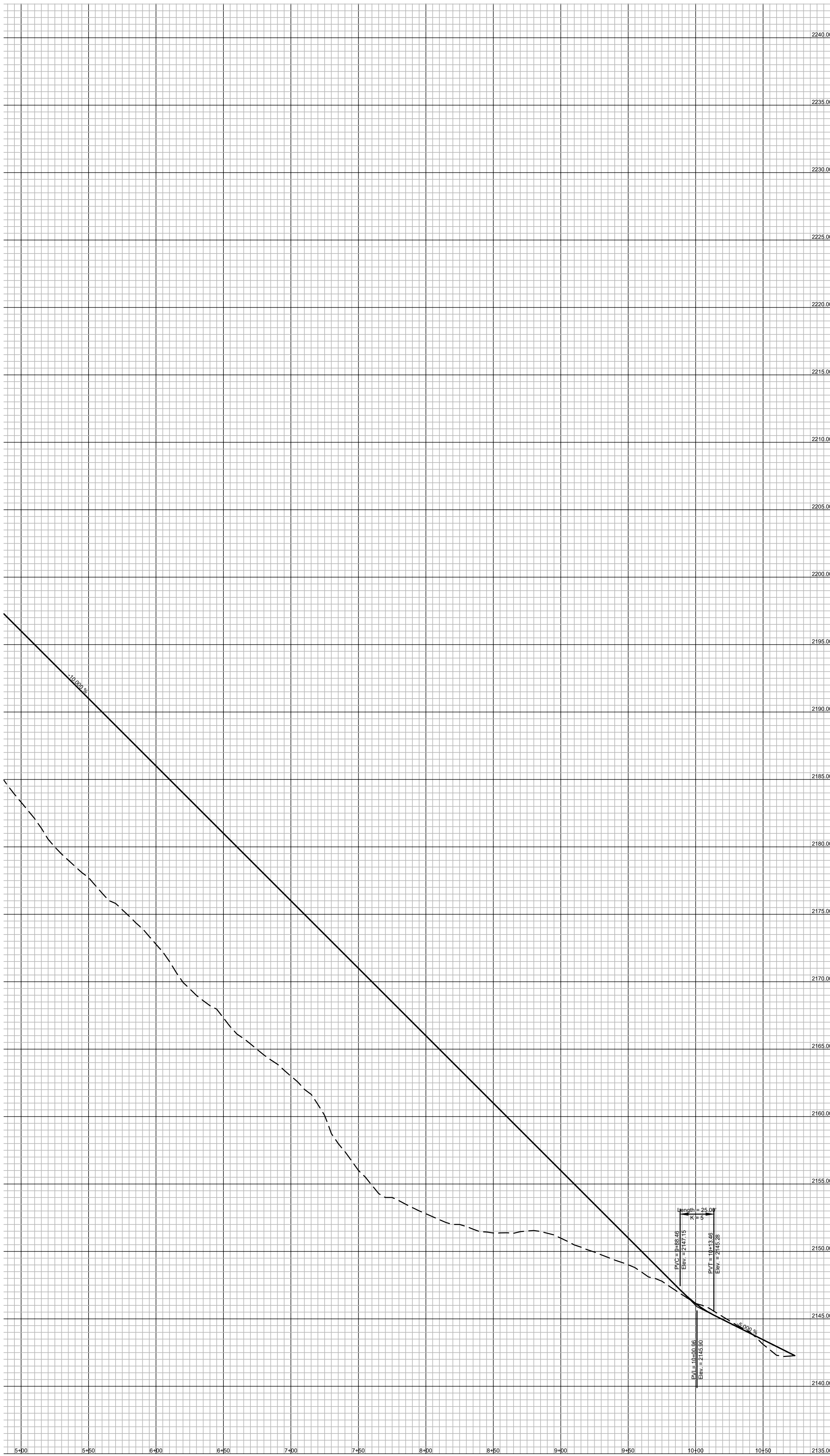


FULL MOON CIRCLE
SCALE: HORIZ.: SCALE: 1" = 50'
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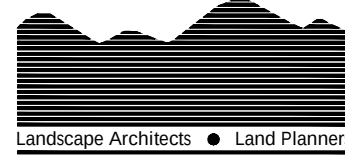


NEW MOON CIRCLE

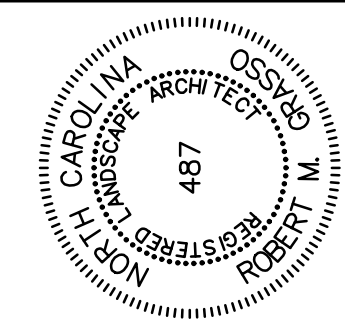
SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'



LAND PLANNING
COLLABORATIVE



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ASHEVILLE, N.C. 28802
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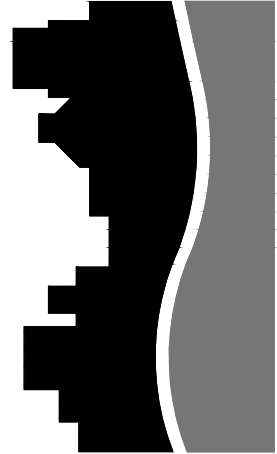
NEW MOON CIRCLE
VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: November 1, 2021

REVISIONS:		DATE:	BY:
△	-	12/3/21	RMG
△	-	-	-
△	-	-	-
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△	-	-	-

SHEET
L-8



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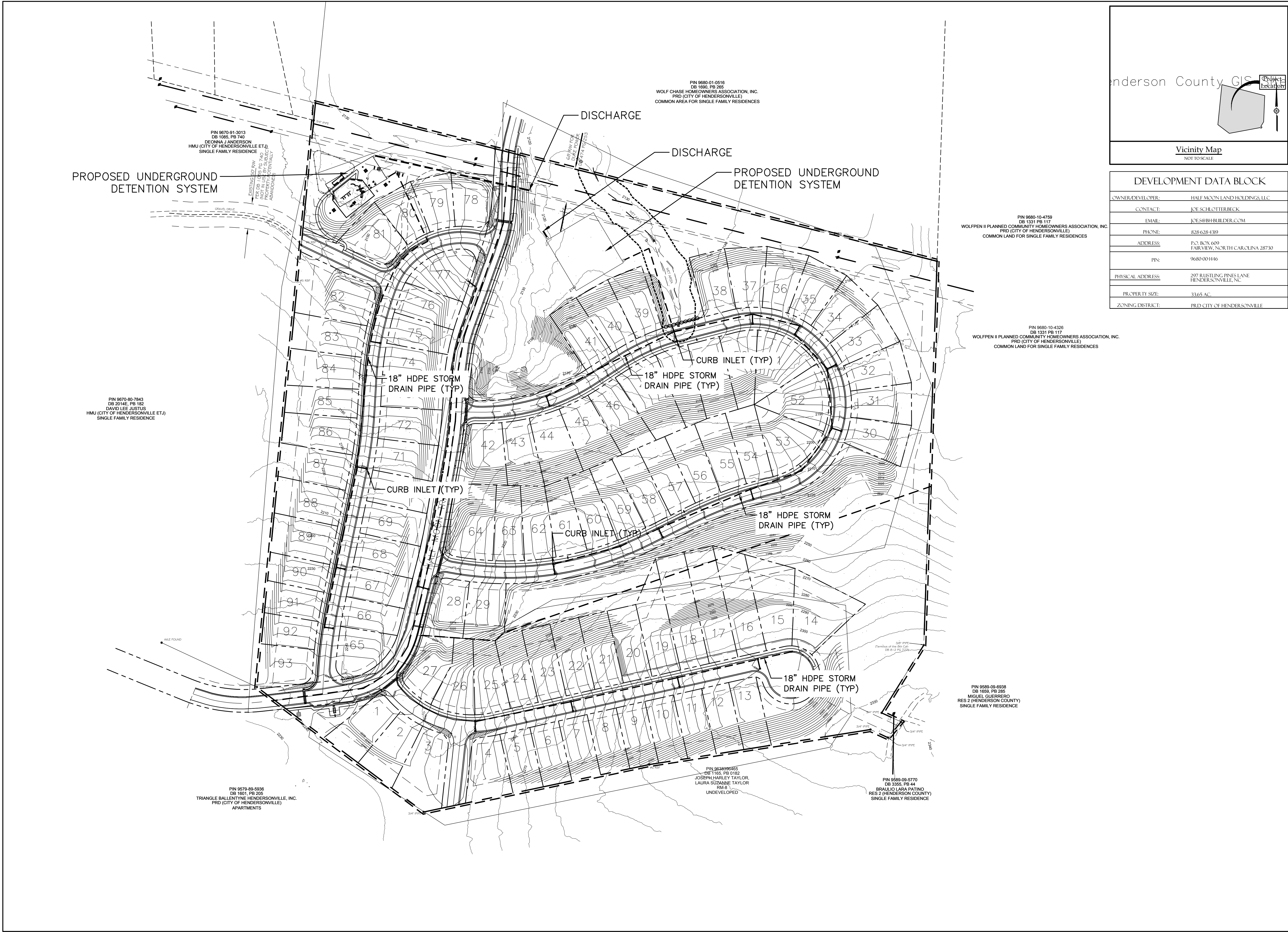


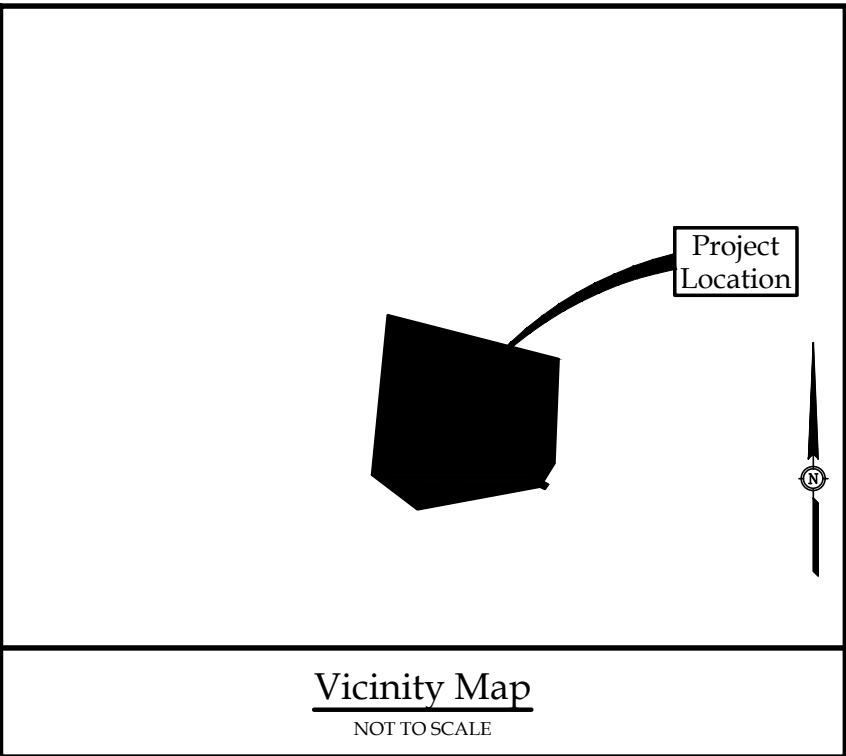
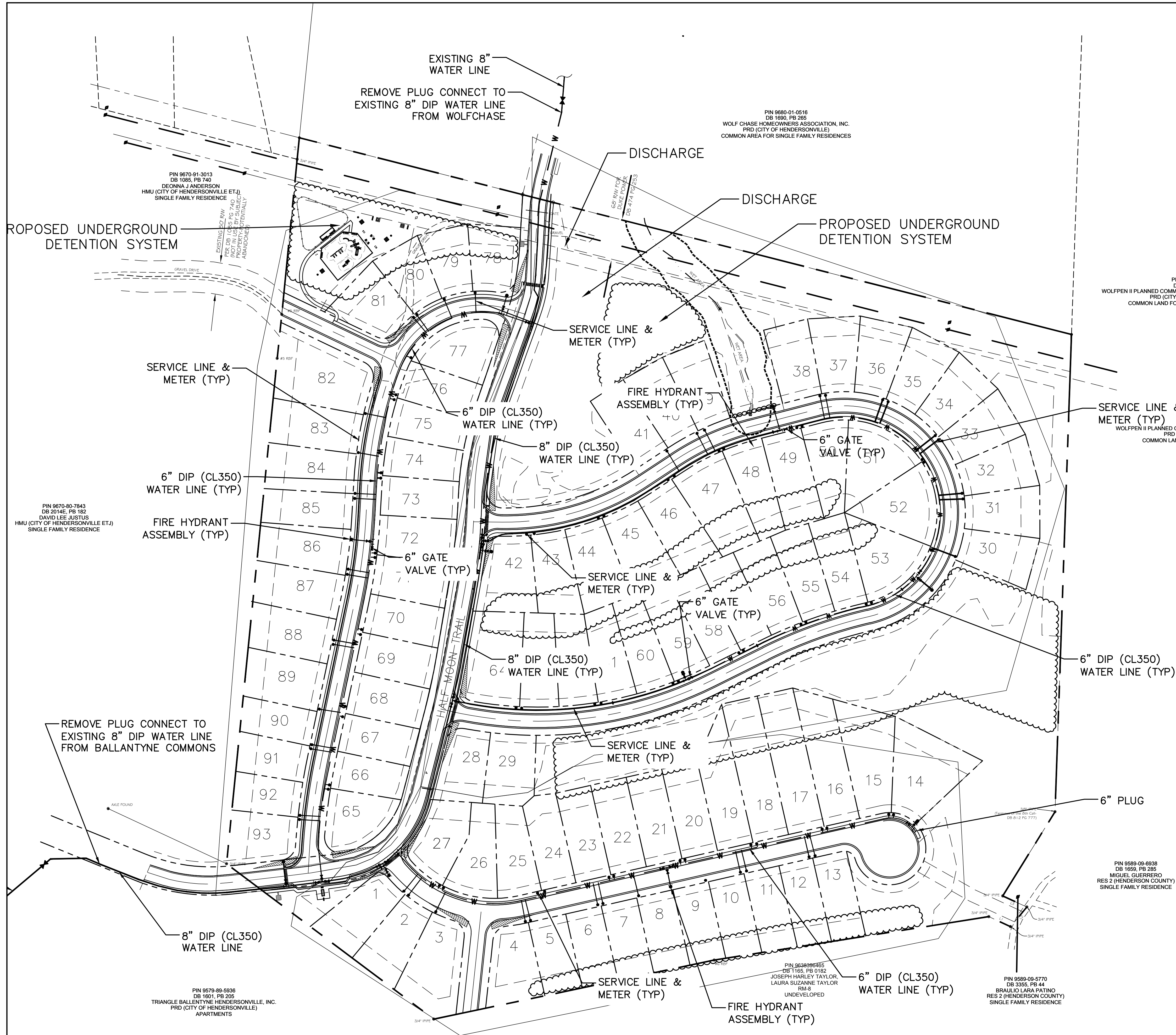
SITE PLAN For
HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

Job No: 21118
Date: November 2021
Scale: 1"=80'
Revision:

Preliminary
Storm Water

Sheet
C3





DEVELOPMENT DATA BLOCK	
OWNER/DEVELOPER:	HALF MOON LAND HOLDINGS, LLC
CONTACT:	JOE SCHLOTTERBECK
EMAIL:	JOE.S@BHBUILDER.COM
PHONE:	828-628-4319
ADDRESS:	P.O. BOX 609 FAIRVIEW, NORTH CAROLINA 28730
PIN:	9680-00446
PHYSICAL ADDRESS:	297 RUSTLING PINES LANE HENDERSONVILLE, NC
PROPERTY SIZE:	33.65 AC.
ZONING DISTRICT:	PRD CITY OF HENDERSONVILLE

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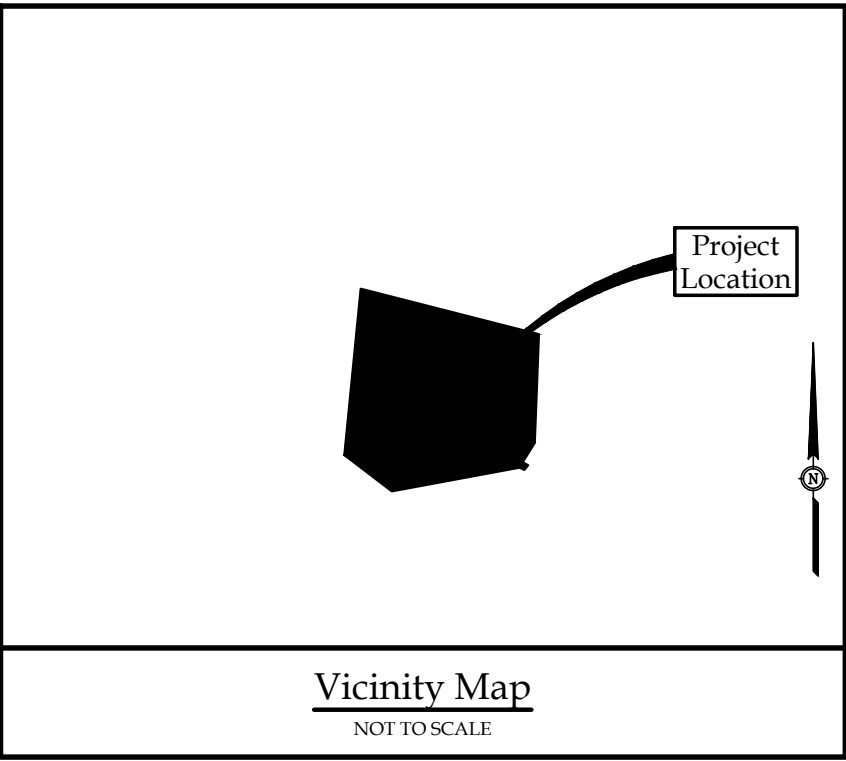
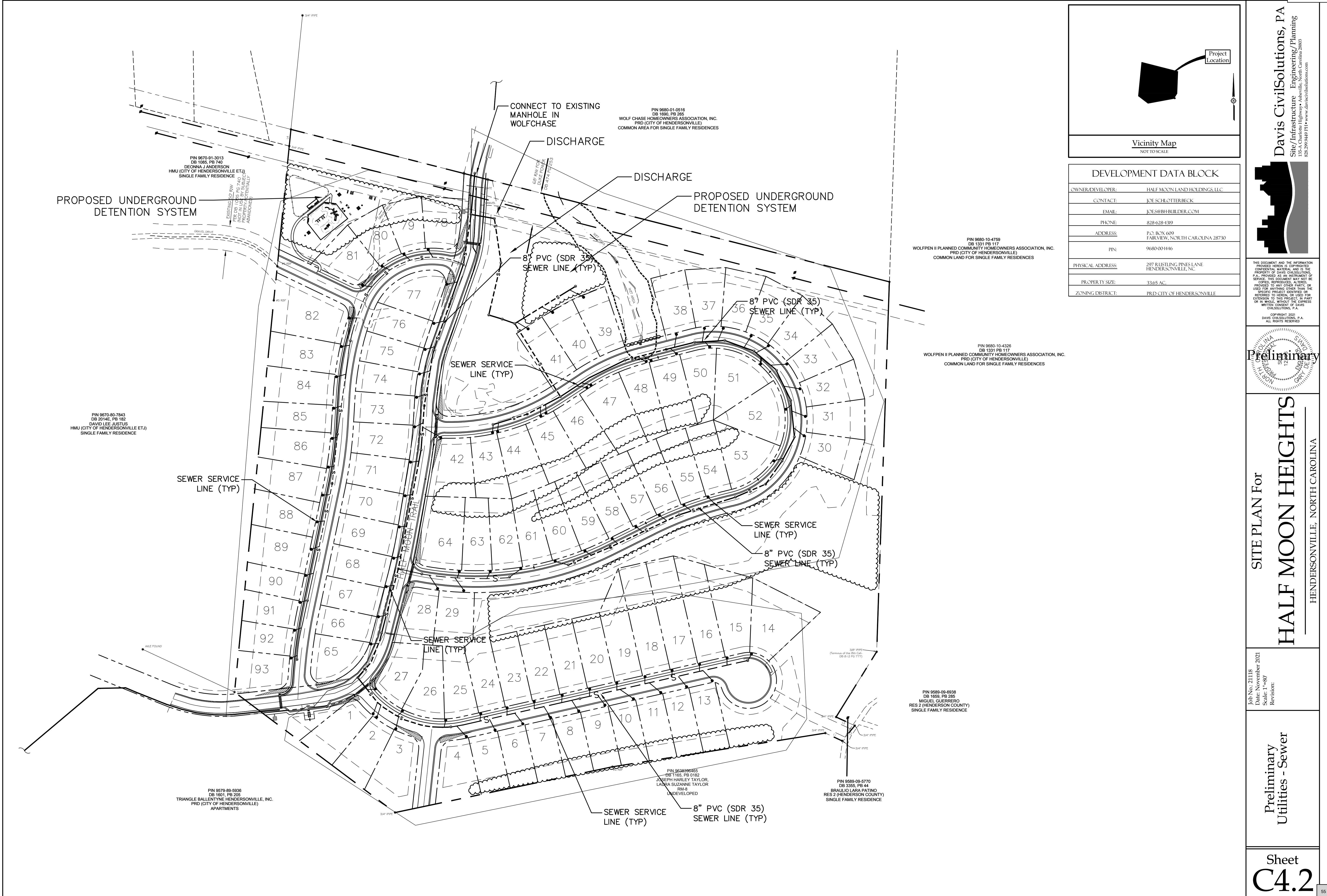
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SITE PLAN For
HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

Job No: 21118
Date: November 2021
Scale: 1"=80'
Revision:

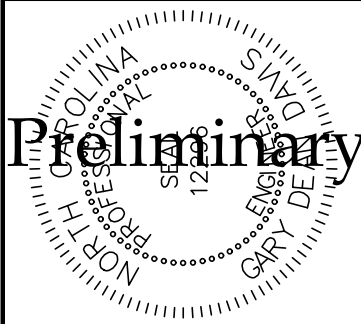
Preliminary
Utilities - Water



DEVELOPMENT DATA BLOCK	
OWNER/DEVELOPER:	HALF MOON LAND HOLDINGS, LLC
CONTACT:	JOE SCHLÖTTERBECK
EMAIL:	JOE.S@BHBUILDER.COM
PHONE:	828-628-4319
ADDRESS:	P.O. BOX 609 FAIRVIEW, NORTH CAROLINA 28730
PIN:	9680-00446
PHYSICAL ADDRESS:	297 RUSTLING PINES LANE HENDERSONVILLE, NC
PROPERTY SIZE:	33.65 AC.
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SITE PLAN For
HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

Job No: 21118
Date: November 2021
Scale: 1"=80'
Revision:

Preliminary
Utilities - Sewer

Application for Subdivision Plat Approval

Minor subdivisions create not more than 8 lots and are subject to staff review. Major subdivisions, 9 or more lots, are subject to approval by Planning Board and City Council. The following are required to constitute a complete application for minor subdivision plat review: This form including the property owner(s) signature(s). Appropriate fee. 1 Mylar and 2 paper copies of the subdivision plat. Once the plat is signed, the applicant is required to take the Mylar to the Land Records office at the Henderson County courthouse. The 2 paper copies remain with the City.

Date:

8/31/2021

**Type of Plat:**

☒ Land Subdivision ☐ Building Subdivision ☐ Recombination

Address/Location of the Property:

297 Rustling Pines Lane Hendersonville NC 28792

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

9680-00-1446

Current Zoning:

PRD

Acreage:

33.65

Lots:

106

Applicant Name: *

Joseph

Schlotterbeck

Address

PO Box 609

Address Line 2

Fairview

North Carolina



28730

Phone

(828) 767-7171

Email

joe.s@bh-builder.com

Property Owner Name:

Triangle Ballantyne Hendersonville, Inc

Last

Address

165 S York St.

Address Line 2

Gastonia

North Carolina



28053

Upload digital copy of plat here (optional)

Upload

or drag files here.

Property Owner's Signature: *

Use back of application for additional property owners.

Submit

City of Hendersonville
General Application
Owner Signature Addendum

Section 5, Item B.

Application Information

Date of Application 8-18-2021 Application Number P21-44-C2D/SUB
Name of Project Half Moon Heights Phase # (if subdivision) 1
Parcel Identification Number(s) (PIN) 9680-00-1446

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

* ^ Printed Name Triangle Ballantyne Hendersonville, Inc.
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature William B. Ratchford
Title Vice President Email william.ratchford@southwoodrealty.com
Address of Property Owner 297 Ryecliff Pines Ln.

* ^ Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____
Title _____ Email _____
Address of Property Owner _____

* ^ Printed Name _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____
Title _____ Email _____
Address of Property Owner _____

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

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



**CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION**

SUBMITTER: Lew Holloway, Community Development Director **MEETING DATE:** December 13th 2021

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

TITLE OF ITEM: Zoning Text Amendment – Industrial Conditional Zoning District (P21-76-ZTA) – *Lew Holloway – Community Development Director*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council APPROVE an ordinance amending the official zoning ordinance of the City of Hendersonville, Article V – Zoning District Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District as presented. Finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 8, Strategy LU-13.5, Action LU-13.5.3 and that the zoning text amendment is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this development is good for the community. Example suggestions below or include your own]

- 1) It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base.
- 2) It positions the City to support the Henderson County Partnership for Economic Development in overcoming development obstacles associated with industrial/manufacturing recruitment.
- 3) It reflects adaptation by the City to changing market trends in industrial recruitment.

For Recommending Denial:

I move Planning Board recommend City Council to DENY an ordinance amending the official zoning ordinance of the City of Hendersonville, Article V – Zoning District Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District as presented. Finding that the zoning text amendment is inconsistent with the Comprehensive Plan and that the zoning text amendment is not reasonable nor in the public interest for the following reasons:

[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]

- 1)

4) It aligns development review steps across local government entities to promote predictable and comparable development processes, optimally positioning the city for success in recruitment of industry to existing Industrial sites. [DISCUSS & VOTE]	
--	--

SUMMARY: The City has initiated a Zoning Text Amendment to Article V Zoning District Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD. This proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the City. The uses which are proposed to be exempt from the CZD process are reflective of those which may be part of a requirement process, in which efficiency of approval processes becomes a competitive advantage.

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 Industrial Zoning District Classification. This zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in Section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1 Permitted Uses:

5-12-1 (a) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in Section 4-5

(e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below

Accessory uses & structures

Agricultural supplies, bulk

Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.

Automobile car washes

Automobile sales & service

Automobile paint & body work

~~Bottling plants~~

~~Breweries~~

Bus stations

Business services

Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums

~~Cideries~~

~~Cideries, hard~~

Civic centers

Concrete plants

Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below

Construction trades facilities

Convenience stores with or without gasoline sales

Day care facilities

~~Distilleries~~

Dry cleaning & laundry

Exhibition buildings

Exterminators

Fairgrounds

Farm equipment sales & service

Feed and grain storage

Freight terminals (SIC Groups 40, 41, 42)

~~Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants~~

Funeral homes

Golf courses and related activities

Government facilities

~~Greenhouses & commercial nurseries~~

Health clubs and athletic facilities

Heavy equipment, sales, rentals, leases, and service

Heavy equipment storage

Hospitals

Hotels

Laboratories with or without outdoor storage or operations

~~Manufacturing (selected industries)—Those manufacturing industries defined by the following SIC Codes are permitted:~~

Standard Industrial Classification	Industries Excluded	Short Title
202		Food processing: dairy products
203		Food processing: canned, frozen & preserved fruits, vegetable & food specialties
2043		Food processing: cereal breakfast foods
2045		Food processing: prepared flour mixes & doughs
205		Food processing: bakery products
206		Food processing: sugar & confectionery products
207	2077	Food processing: fats & oils
208		Food processing: beverages
2095		Roasted coffee
2096		Potato chips, corn ships & similar snacks
2097		Manufactured ice
2098		Macaroni, spaghetti, vermicelli & noodles
2099		Food preparations, not elsewhere classified
22	226	Textile Mill Products
23		Apparel and other textile products
24	241, 242, 2435, 2426, 2401, 2402	Lumber and wood products
25		Furniture and fixtures
265		Paperboard containers & boxes
267		Converted paper and paperboard products, except containers and boxes
27		Printing, publishing & allied industries
283		Drugs
2844		Perfumes, cosmetics & other toilet preparations
30	301	Rubber & plastic products
323		Glass products, made of purchased glass
326		Pottery & related products
3271		Concrete block & brick
3272		Concrete products, except block & brick
3273		Ready-mixed concrete
3297		Non-clay refractories
34	3443, 3449, 345, 346, 347, 348	Fabricated metal products
35		Industrial equipment
36		Electronic & electric equipment
3714		Motor vehicle parts & accessories
3715		Truck trailers
3732		Boat building & repairing
38		Instruments & related products

Standard Industrial Classification	Industries Excluded	Short Title
39		Miscellaneous manufacturing

Merchandise gaming operations

~~Microbreweries~~

Mini-warehouses

Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below

Motels

Motor freight terminals

Nursing homes, subject to Supplementary Standards contained in Section 16-4, below

Parking lots and parking garages

Parks

Passenger transportation terminals

Personal Services

Planned residential developments (minor), subject to the requirements of Article VII, below

Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below

Public and semi-public structures

Publishing and printing establishments

Radio and television broadcasting studios

Recreational facilities, commercial, indoor

Recreational facilities, commercial, outdoor

Recycling centers

Religious institutions

Repair services, miscellaneous

Research and development with or without outdoor storage and operations

Residential dwellings

Rest homes, subject to Supplementary Standards contained in Section 16-4, below

Restaurants

Restaurants, drive-in

Retail stores

Service stations

Signs, subject to the provisions of Article XIII

Storage yards

Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.

Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.

Travel trailer sales

Treatment plants, water and sewer

Vehicle repair shops with or without outdoor operations and storage

Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS
 136-143 Warehouses
~~Wineries~~
 Wholesaling establishments

5-12-1 (b) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget:

Accessory uses & structures, when accessory to another permitted use that is also exempt from Section 4-5(e)(2) of the Zoning Ordinance

Bottling Plants

Breweries

Cideries

Cideries, hard

Distilleries

Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants

Greenhouses and commercial nurseries

Microbreweries

Wineries

Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>202</u>		<u>Food processing: dairy products</u>
<u>203</u>		<u>Food processing: canned, frozen & preserved fruits, vegetable & food specialties</u>
<u>2043</u>		<u>Food processing: cereal breakfast foods</u>
<u>2045</u>		<u>Food processing: prepared flour mixes & doughs</u>
<u>205</u>		<u>Food processing: bakery products</u>
<u>206</u>		<u>Food processing: sugar & confectionery products</u>
<u>207</u>	<u>2077</u>	<u>Food processing: fats & oils</u>
<u>208</u>		<u>Food processing: beverages</u>
<u>2095</u>		<u>Roasted coffee</u>
<u>2096</u>		<u>Potato chips, corn ships & similar snacks</u>
<u>2097</u>		<u>Manufactured ice</u>
<u>2098</u>		<u>Macaroni, spaghetti, vermicelli & noodles</u>
<u>2099</u>		<u>Food preparations, not elsewhere classified</u>

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>22</u>	<u>226</u>	<u>Textile Mill Products</u>
<u>23</u>		<u>Apparel and other textile products</u>
<u>24</u>	<u>241, 242, 2435, 2436, 2491, 2492</u>	<u>Lumber and wood products</u>
<u>25</u>		<u>Furniture and fixtures</u>
<u>265</u>		<u>Paperboard containers & boxes</u>
<u>267</u>		<u>Converted paper and paperboard products, except containers and boxes</u>
<u>27</u>		<u>Printing, publishing & allied industries</u>
<u>283</u>		<u>Drugs</u>
<u>2844</u>		<u>Perfumes, cosmetics & other toilet preparations</u>
<u>30</u>	<u>301</u>	<u>Rubber & plastic products</u>
<u>323</u>		<u>Glass products, made of purchased glass</u>
<u>326</u>		<u>Pottery & related products</u>
<u>3271</u>		<u>Concrete block & brick</u>
<u>3272</u>		<u>Concrete products, except block & brick</u>
<u>3273</u>		<u>Ready-mixed concrete</u>
<u>3297</u>		<u>Non-clay refractories</u>
<u>34</u>	<u>3443, 3449, 345, 346, 347, 348</u>	<u>Fabricated metal products</u>
<u>35</u>		<u>Industrial equipment</u>
<u>36</u>		<u>Electronic & electric equipment</u>
<u>3714</u>		<u>Motor vehicle parts & accessories</u>
<u>3715</u>		<u>Truck trailers</u>
<u>3732</u>		<u>Boat building & repairing</u>
<u>38</u>		<u>Instruments & related products</u>
<u>39</u>		<u>Miscellaneous manufacturing</u>

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification only upon rezoning to I-1CZD.

Day centers

Shelter facilities Permitted uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-1, above

Special Uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-2, above

Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above

PROJECT/PETITIONER NUMBER:	P21-76-ZTA
PETITIONER NAME:	City Initiated Zoning Text Amendment
ATTACHMENTS:	1. Staff Report 2. Planning Board Legislative Committee Minutes, November 2021 3. Draft Ordinance 4. Proposed modifications to the zoning ordinance with section references

Zoning Text Amendment Industrial Conditional Zoning District (P21-76-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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REASONABLENESS STATEMENT:..... 6

PUBLIC COMMENT:..... 6

PLANNING BOARD LEGISLATIVE COMMITTEE- SUMMARY OF ACTION: 6

PLANNING BOARD - SUMMARY OF ACTION 7



SUMMARY OF TEXT AMENDMENT

Community Development staff initiated a conversation about allowing certain I-1 uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD following a series of discussions with economic development stakeholders in Hendersonville and previous project experiences. Staff took the proposed text amendment to the Planning Board Legislative Committee for review and recommendation. The Legislative Committee did not formally provide a recommendation but did provide feedback on the proposal. The proposed changes to the I-1 Industrial and I-1 Industrial CZD districts are the result of those conversations and previous experiences.

I-1 Industrial allows for a broad spectrum of uses; each with varying levels of intensity. Our current zoning ordinance requires that any development or redevelopment involving more than 50,000 square feet of floor area shall go through the conditional rezoning process. The requirement for any I-1 use to go through the CZD process when exceeding 50,000 square feet hinders the City's ability to compete with other locations for large scale economic development projects. For this reason, Staff is proposing that some of the uses that are currently permitted by right in I-1 be exempted from the 50,000 square foot trigger to better align our processes with the current realities of industrial recruitment. However, due to the nature of the I-1 District, Staff are not proposing that all uses be exempted from the 50,000 square foot trigger. This reflects the targeting of uses that are likely to be associated with economic development projects and job creation for exemption from the 50,000 square foot trigger.

An exhaustive list of uses that will and will not be exempted are included in your packet. Below are excerpts from each category for a quick reference.

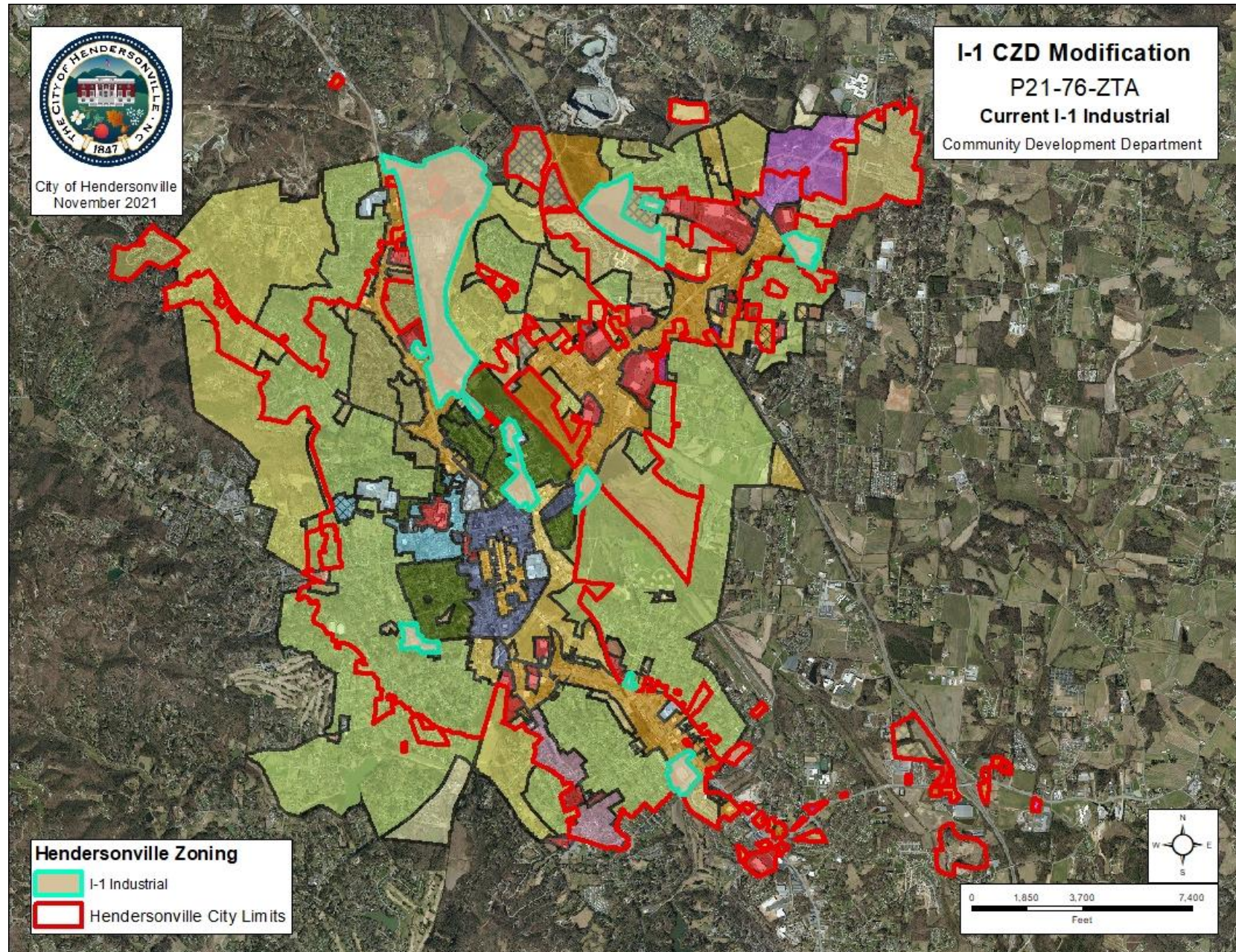
Sample of I-1 uses exempt from the 50,000 square foot CZD trigger:

- *Bottling Plants*
- *Food processing; bakery products*
- *Textile Mill Products*
- *Printing, publishing & allied industries*

Sample of I-1 uses not exempt from the 50,000 square foot CZD trigger

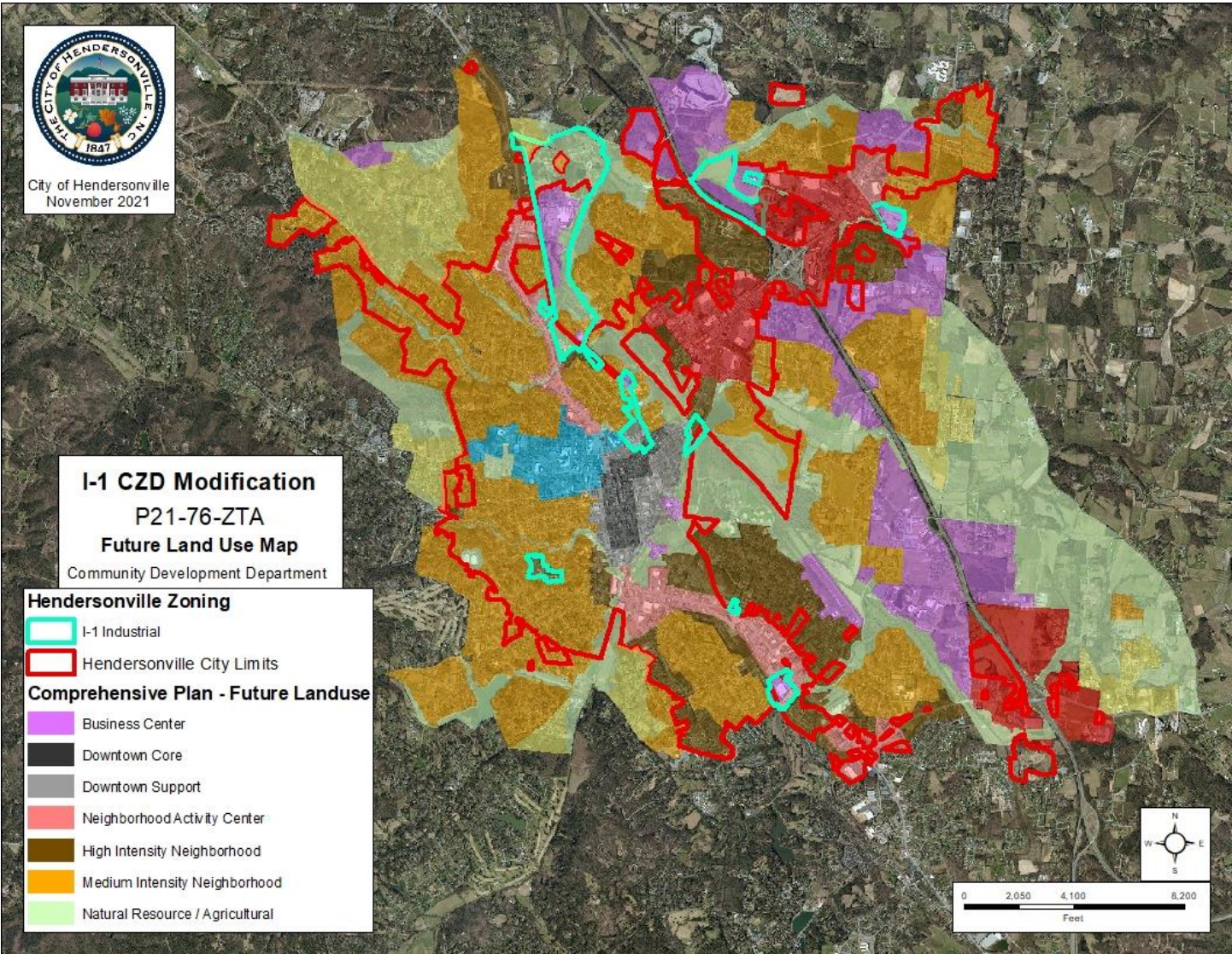
- *Concrete plants*
- *Automobile paint & body work*
- *Civic centers*
- *Freight terminals*
- *Recycling centers*

ZONING MAP: Areas highlighted where I-1 Industrial exist today



COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT AND STATEMENT:

The Comprehensive Plan does not have a dedicated chapter on economic development. As such staff looked to understand more broadly the intent of various future land use categories that would be impacted by the proposed Zoning Text Amendment. Future Land Uses that will be impacted by the proposed text amendment include Business Center, Downtown Core, Downtown Support, Neighborhood Activity Center, High Intensity Neighborhood, Medium Intensity Neighborhood and Natural Resource/ Agricultural. Although some of the future land use designations mentioned do not reflect compatibility with all traditional industrial uses, they do provide the groundwork for redevelopment of existing buildings (usually in disrepair) in or abutting existing neighborhoods. The majority of the existing I-1 districts are classified as Business Center. The goal of the Business Center Classification is to “Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.”



Chapter 8 states in LU-13.5 that the City should “Work with partners to attract businesses to Planned business Center Locations”. The actions for this strategy are:

- Action LU-13.5.1: Work with the Henderson County Partnership for Economic Development and other economic development organizations to market Hendersonville as a business destination
- Action LU-13.5.2: As Business Center areas are annexed into the City of Hendersonville, develop an economic development policy that governs the use of tax incentives. Utilize incentives only for projects that clearly further the goals and strategies of the Comprehensive Plan and whose benefits clearly outweigh the costs of the incentives.
- Action LU-13.5.3: Work with the Henderson County Partnership for Economic Development and other economic development organizations in packaging incentives and overcoming development obstacles for economic development projects that meet the City’s Comprehensive Plan goals.

The zoning text amendment will allow the City of Hendersonville to be more competitive in the pursuit of economic development projects that meet the City Comprehensive Plan goals. The text amendment more closely aligns our review and approval process for manufacturing with that of Henderson County, thereby strengthening the City’s relationship with the Henderson County Partnership for Economic Development by eliminating differences in regulatory processes when promoting sites within the County and City.

Chapter 8 also states under Strategy LU-1.1 to “Encourage infill development and redevelopment in areas planned for high intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a. Furthermore LU-1.1.1 state that “Review zoning standards in High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, Downtown Core, Downtown Support and Urban Institutional areas and revise as necessary to enable compatible infill projects.” The majority of the future land use classifications mentioned above directly reflect where I-1 Industrial is existing today.

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

CONSISTENCY STATEMENT:

The proposed zoning text amendment for “I-1 Conditional Zoning District (P21-76-ZTA)” is consistent with Comprehensive Plan because it:

- 1) Encourages infill development and redevelopment in areas planned for high intensity development.
- 2) Fosters the City to better work with partners to attract businesses to planned Business Center Locations.

- 3) Allows the City to better work with the Henderson County Partnership for Economic Development and other economic development organizations in overcoming development obstacles for economic development projects that meet the City’s Comprehensive Plan goals.

REASONABLENESS STATEMENT:

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

- 1) It will promote additional diversity of job opportunities within the City of Hendersonville.
- 2) It encourages reinvestment in existing infrastructure and commercial real estate within the City of Hendersonville, supporting a sustainable tax base.
- 3) It reflects the commitment by the City to attract more economic development projects.

PUBLIC COMMENT:

The proposed text amendment has been reviewed Planning Board Legislative Committee on November 16th, 2021. No one from the general public spoke on this text amendment proposal.

PLANNING BOARD LEGISLATIVE COMMITTEE- SUMMARY OF ACTION:

Summary of Planning Board Legislative Committee Discussion

Mr. Johnson inquired whether changing the 50,000 sq ft requirement to 100,000 sq ft would change anything – basically instead of creating the list of uses to just change the number. Both staff and committee members discussed that direction.

Mr. Manley looked up the square footage of some existing larger manufacturers in the City and they were well over 100,000 sq ft.

Mr. Holloway stated that staff is still working on the language but wanted to see if anything jumped out at the committee members as far as the proposed permitted uses.

Planning Board Legislative Committee Motion

No recommendation or motion was made, only a discussion.

PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Recommendations

Planning Board Motion

**Minutes of the Planning Board – Legislative Committee
Virtual Meeting
November 16, 2021**

Members Present: Neil Brown, Bob Johnson, Peter Hanley

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Alexandra Hunt, Planner and Terri Swann, Administrative Assistant III

Start Time: 3:30PM

Adjourned: 4:30PM

Legislative Committee Meeting:

Lighting Ordinance Update:

Lew Holloway, Community Development Director, provided an update on the lighting ordinance. Mr. Holloway stated that the major changes to the lighting ordinance at this point have been simplifying the number of lighting zones to just three zones:

1. Natural Resource Zone
2. Residential Transition Zone
3. Commercial Zone

Mr. Holloway stated that all properties located within the City & ETJ would be assigned to a lighting zone that will have lighting allowances that scale up and down depending on the intensity of the development. Mr. Holloway stated that the goal is to simplify the review process for staff. Mr. Holloway talked about the two review methods – performance method and prescriptive method. Mr. Holloway stated that staff will be proposing to use the prescriptive method rather than the performance method because it is a more straightforward review process. Mr. Holloway discussed the timeline for adoption of the ordinance. Mr. Hanley asked whether upcoming developments should be taken into consideration as far as the timing of passing this ordinance. Mr. Johnson asked whether Planning Board should hold off on hearing this matter until the January 2022 meeting because of the new members what will be on the Board. Mr. Holloway stated that the proposed ordinance language would not be ready for the December 2021 Planning Board meeting anyways. Mr. Manley stated that in the meantime to continue using lighting as conditions until the ordinance is passed. Mr. Brown agreed with Mr. Manley unless the developer on a proposed project does not agree to the lighting conditions it will have an impact on Mr. Brown's vote. Mr. Holloway stated that staff prefers to have a conversation with the developer on the front end before reaching Planning Board about any issues such as lighting.

Zoning Text Amendment – I-1 CZD District Zoning Text Amendment

Lew Holloway, Community Development Director, reviewed a proposed zoning text amendment to the I-1 CZD, Industrial Conditional Zoning District (P21-76-ZTA). Mr. Holloway stated that this is a City initiated zoning text amendment to Article V of the Zoning Ordinance. Mr. Holloway explained that the purpose of this amendment is to allow certain uses which exceed 50,000 square feet to proceed without having to go through the CZD process. Mr. Holloway further explained that the intent is to eliminate obstacles for businesses that are looking to come to Hendersonville. Both staff and committee members reviewed all of the permitted uses in I-1. Mr. Holloway then reviewed the proposed exceptions or proposed allowed uses that would not trigger the CZD process:

- Bottling plants
- Breweries
- Cideries
- Cideries, hard
- Distilleries
- Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products
- Greenhouses and commercial nurseries
- Microbreweries
- Wineries
- Manufacturing (selected industries)

Mr. Manley commented on whether paper manufacturing would be included and if so, to consider that they produce a lot of smell. Mr. Manley also confirmed for the committee members that the proposed permitted uses would still go through Planning Board and City Council review – they would not have to go through a NCM. Mr. Holloway reviewed the city zoning map for current I-1 districts with the committee members. Mr. Johnson inquired whether changing the 50,000 sq ft requirement to 100,000 sq ft would change anything – basically instead of creating the list of uses to just change the number. Both staff and committee members discussed that direction. Mr. Manley looked up the square footage of some existing larger manufacturers in the City and they were well over 100,000 sq ft. Mr. Holloway stated that staff is still working on the language but wanted to see if anything jumped out at the committee members as far as the proposed permitted uses. Mr. Holloway further explained that staff is still working on this draft.

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

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 4 -ESTABLISHMENT OF DISTRICTS: SECTION 4-5 (e)(2); ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-12, SECTION 5-12-1. SECTION 5-12-4; OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ALLOW CERTAIN USES WHICH EXCEED 50,000 SQUARE FEET TO PROCEED WITHOUT REQUIRING REZONING TO I-1CZD.

WHEREAS, the City of Hendersonville's Planning Board Legislative Committee and Planning Board have reviewed and recommended for adoption a zoning text amendment to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD to the City of Hendersonville Zoning Ordinance: and

WHEREAS, the proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the City; and

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

WHEREAS, amending the I-1 uses that require going through the conditional zoning district process represents a response to changing trends and opportunities within manufacturing and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 4 -Establishment of Districts: Section 4-5 (e)(2); Article 5 -Zoning District Classifications: Section 5-12, Section 5-12-1 and, Section 5-12-4; of the City of Hendersonville Zoning Ordinance to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD:

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 Industrial Zoning District Classification. This zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in Section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1 Permitted Uses:

5-12-1 (a) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below

Accessory uses & structures

Agricultural supplies, bulk

Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.

Automobile car washes

Automobile sales & service

Automobile paint & body work

~~Bottling plants~~

~~Breweries~~

Bus stations

Business services

Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums

~~Cideries~~

~~Cideries, hard~~

Civic centers

Concrete plants

Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below

Construction trades facilities

Convenience stores with or without gasoline sales

Day care facilities

~~Distilleries~~

Dry cleaning & laundry

Exhibition buildings

Exterminators

Fairgrounds

Farm equipment sales & service

Feed and grain storage
 Freight terminals (SIC Groups 40, 41, 42)
~~Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants~~
 Funeral homes
 Golf courses and related activities Government facilities
~~Greenhouses & commercial nurseries~~
 Health clubs and athletic facilities
 Heavy equipment, sales, rentals, leases, and service
 Heavy equipment storage
 Hospitals
 Hotels
 Laboratories with or without outdoor storage or operations
~~Manufacturing (selected industries) — Those manufacturing industries defined by the following SIC Codes are permitted:~~

Standard Industrial Classification	Industries Excluded	Short Title
202		Food processing: dairy products
203		Food processing: canned, frozen & preserved fruits, vegetable & food specialties
2043		Food processing: cereal breakfast foods
2045		Food processing: prepared flour mixes & doughs
205		Food processing: bakery products
206		Food processing: sugar & confectionery products
207	2077	Food processing: fats & oils
208		Food processing: beverages
2095		Roasted coffee
2096		Potato chips, corn ships & similar snacks
2097		Manufactured ice
2098		Macaroni, spaghetti, vermicelli & noodles
2099		Food preparations, not elsewhere classified
22	226	Textile Mill Products
23		Apparel and other textile products
24	241, 242, 2435, 2426, 2401, 2402	Lumber and wood products
25		Furniture and fixtures
265		Paperboard containers & boxes
267		Converted paper and paperboard products, except containers and boxes
27		Printing, publishing & allied industries
283		Drugs

Standard Industrial Classification	Industries Excluded	Short Title
2844		Perfumes, cosmetics & other toilet preparations
30	301	Rubber & plastic products
323		Glass products, made of purchased glass
326		Pottery & related products
3271		Concrete block & brick
3272		Concrete products, except block & brick
3273		Ready-mixed concrete
3297		Non-clay refractories
34	3443, 3449, 345, 346, 347, 348	Fabricated metal products
35		Industrial equipment
36		Electronic & electric equipment
3714		Motor vehicle parts & accessories
3715		Truck trailers
3732		Boat building & repairing
38		Instruments & related products
39		Miscellaneous manufacturing

Merchandise gaming operations

Microbreweries

Mini-warehouses

Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below

Motels

Motor freight terminals

Nursing homes, subject to Supplementary Standards contained in Section 16-4, below

Parking lots and parking garages

Parks

Passenger transportation terminals

Personal Services

Planned residential developments (minor), subject to the requirements of Article VII, below

Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below

Public and semi-public structures

Publishing and printing establishments

Radio and television broadcasting studios

Recreational facilities, commercial, indoor

Recreational facilities, commercial, outdoor

Recycling centers
 Religious institutions
 Repair services, miscellaneous
 Research and development with or without outdoor storage and operations
 Residential dwellings
 Rest homes, subject to Supplementary Standards contained in Section 16-4, below
 Restaurants
 Restaurants, drive-in
 Retail stores
 Service stations
 Signs, subject to the provisions of Article XIII
 Storage yards
 Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.
 Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.
 Travel trailer sales
 Treatment plants, water and sewer
 Vehicle repair shops with or without outdoor operations and storage
 Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143 Warehouses
~~Wineries~~
 Wholesaling establishments

5-12-1 (b) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget:

Accessory uses & structures, when accessory to another permitted use that is also exempt from Section 4-5(e)(2) of the Zoning Ordinance

Bottling Plants

Breweries

Cideries

Cideries, hard

Distilleries

Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants

Greenhouses and commercial nurseries

Microbreweries

Wineries

Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>202</u>		<u>Food processing: dairy products</u>
<u>203</u>		<u>Food processing: canned, frozen & preserved fruits, vegetable & food specialties</u>
<u>2043</u>		<u>Food processing: cereal breakfast foods</u>
<u>2045</u>		<u>Food processing: prepared flour mixes & doughs</u>
<u>205</u>		<u>Food processing: bakery products</u>
<u>206</u>		<u>Food processing: sugar & confectionery products</u>
<u>207</u>	<u>2077</u>	<u>Food processing: fats & oils</u>
<u>208</u>		<u>Food processing: beverages</u>
<u>2095</u>		<u>Roasted coffee</u>
<u>2096</u>		<u>Potato chips, corn ships & similar snacks</u>
<u>2097</u>		<u>Manufactured ice</u>
<u>2098</u>		<u>Macaroni, spaghetti, vermicelli & noodles</u>
<u>2099</u>		<u>Food preparations, not elsewhere classified</u>
<u>22</u>	<u>226</u>	<u>Textile Mill Products</u>
<u>23</u>		<u>Apparel and other textile products</u>
<u>24</u>	<u>241, 242, 2435, 2436, 2491, 2492</u>	<u>Lumber and wood products</u>
<u>25</u>		<u>Furniture and fixtures</u>
<u>265</u>		<u>Paperboard containers & boxes</u>
<u>267</u>		<u>Converted paper and paperboard products, except containers and boxes</u>
<u>27</u>		<u>Printing, publishing & allied industries</u>
<u>283</u>		<u>Drugs</u>
<u>2844</u>		<u>Perfumes, cosmetics & other toilet preparations</u>
<u>30</u>	<u>301</u>	<u>Rubber & plastic products</u>
<u>323</u>		<u>Glass products, made of purchased glass</u>
<u>326</u>		<u>Pottery & related products</u>
<u>3271</u>		<u>Concrete block & brick</u>
<u>3272</u>		<u>Concrete products, except block & brick</u>
<u>3273</u>		<u>Ready-mixed concrete</u>
<u>3297</u>		<u>Non-clay refractories</u>
<u>34</u>	<u>3443, 3449, 345, 346, 347, 348</u>	<u>Fabricated metal products</u>
<u>35</u>		<u>Industrial equipment</u>
<u>36</u>		<u>Electronic & electric equipment</u>

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>3714</u>		<u>Motor vehicle parts & accessories</u>
<u>3715</u>		<u>Truck trailers</u>
<u>3732</u>		<u>Boat building & repairing</u>
<u>38</u>		<u>Instruments & related products</u>
<u>39</u>		<u>Miscellaneous manufacturing</u>

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification only upon rezoning to I-1CZD.

Day centers

Shelter facilities Permitted uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-1, above

Special Uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-2, above

Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of January 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 Industrial Zoning District Classification. This zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in Section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1 Permitted Uses:

5-12-1 (a) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

- Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below
- Accessory uses & structures
- Agricultural supplies, bulk
- Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.
- Automobile car washes
- Automobile sales & service
- Automobile paint & body work

Bus stations
 Business services
 Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums
 Civic centers
 Concrete plants
 Congregate care facilities, subject to Supplementary Standards contained in
 Section 16-4, below
 Construction trades facilities
 Convenience stores with or without gasoline sales
 Day care facilities
 Dry cleaning & laundry
 Exhibition buildings
 Exterminators
 Fairgrounds
 Farm equipment sales & service
 Feed and grain storage
 Freight terminals (SIC Groups 40, 41, 42)
 Funeral homes
 Golf courses and related activities
 Government facilities
 Health clubs and athletic facilities
 Heavy equipment, sales, rentals, leases, and service
 Heavy equipment storage
 Hospitals
 Hotels
 Laboratories with or without outdoor storage or operations
 Merchandise gaming operations
 Mini-warehouses
 Mobile food vendors, subject to Supplementary Standards contained in Section
 16-4, below
 Motels
 Motor freight terminals
 Nursing homes, subject to Supplementary Standards contained in Section 16-4,
 below
 Parking lots and parking garages
 Parks
 Passenger transportation terminals
 Personal Services
 Planned residential developments (minor), subject to the requirements of Article
 VII, below
 Progressive care facilities, subject to Supplementary Standards contained in
 Section 16-4, below
 Public and semi-public structures
 Publishing and printing establishments
 Radio and television broadcasting studios

Recreational facilities, commercial, indoor
 Recreational facilities, commercial, outdoor
 Recycling centers
 Religious institutions
 Repair services, miscellaneous
 Research and development with or without outdoor storage and operations
 Residential dwellings
 Rest homes, subject to Supplementary Standards contained in Section 16-4, below
 Restaurants
 Restaurants, drive-in
 Retail stores
 Service stations
 Signs, subject to the provisions of Article XIII
 Storage yards
 Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.
 Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.
 Travel trailer sales
 Treatment plants, water and sewer
 Vehicle repair shops with or without outdoor operations and storage
 Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143 Warehouses
 Wholesaling establishments

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 Cideries, hard
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 Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants
 Greenhouses and commercial nurseries
 Microbreweries

Wineries

Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

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208		Food processing: beverages
2095		Roasted coffee
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3715		Truck trailers
3732		Boat building & repairing
38		Instruments & related products
39		Miscellaneous manufacturing

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification only upon rezoning to I-1CZD.

Day centers

Shelter facilities Permitted uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-1, above

Special Uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-2, above

Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 13, 2021

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

TITLE OF ITEM: Rezoning: Conditional Rezoning: Hendersonville Home 2 (P21-73-CZD) – Alexandra Hunt, Planner I

SUGGESTED MOTION(S):

1. For Recommending Approval:

I move the Planning Board recommend City Council APPROVE the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9579-56-7956) from PCD (Planned Commercial Development) Zoning to PCD CZD (Planned Commercial Development, Conditional Zoning District) based on the site plan submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of *High Intensity Neighborhood* and that the rezoning is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this rezoning is good for the community. Example suggestions below or include your own]

- 1) That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development.
- 2) That the rezoning is compatible with the surrounding land uses.
- 3) That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan.

2. For Recommending Denial:

I move the Planning Board recommend City Council DENY the adoption of an ordinance amending the official zoning map of the City of Hendersonville rezoning the subject property (PIN: 9579-56-7956) from PCD (Planned Commercial Development) Zoning to PCD CZD (Planned Commercial Development, Conditional Zoning District) for the following reasons:

[Please state reasons describing why this rezoning should not be approved]

- 1) The development is not consistent with the Comprehensive Plan *[if applicable]*.
- 2) The development is not compatible with the surrounding uses. *[if applicable]*.
- 3) The development is not in the public interest because *[state why if applicable]*.
- 4) There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. *[if applicable]*.
- 5) The development will have a detrimental impact on the natural environment *[if applicable]*.

SUMMARY:

The City is in receipt of a Conditional Rezoning application from Sugarloaf Hospitality LLC to rezone property along Sugarloaf Road (PIN: 9579-56-7956) from PCD Planned Commercial Development to PCD CZD Planned Commercial Development, Conditional Zoning District.

For additional detail, please see the attached staff report prepared for the Planning Board.

PROJECT/PETITIONER NUMBER:	P21-73-CZD
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Planning Board Staff Report 2. Proposed Zoning Map 3. Draft Ordinance 4. Application

Hendersonville Home 2 Conditional Zoning District (P21-73-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

Applicant: Sugarloaf Hospitality LLC

Property Owner: Sugarloaf Hospitality LLC

Property Address: 0 Sugarloaf Road

Project Acreage: 2.3 Acres

Parcel Identification Number(s): 9579-56-7956

Current Parcel Zoning: PCD, Planned Commercial Development

Proposed Zoning: PCD CZD, Planned Commercial Development, Conditional Zoning District

Neighborhood Compatibility Meeting: November 22, 2021



SITE VICINITY MAP

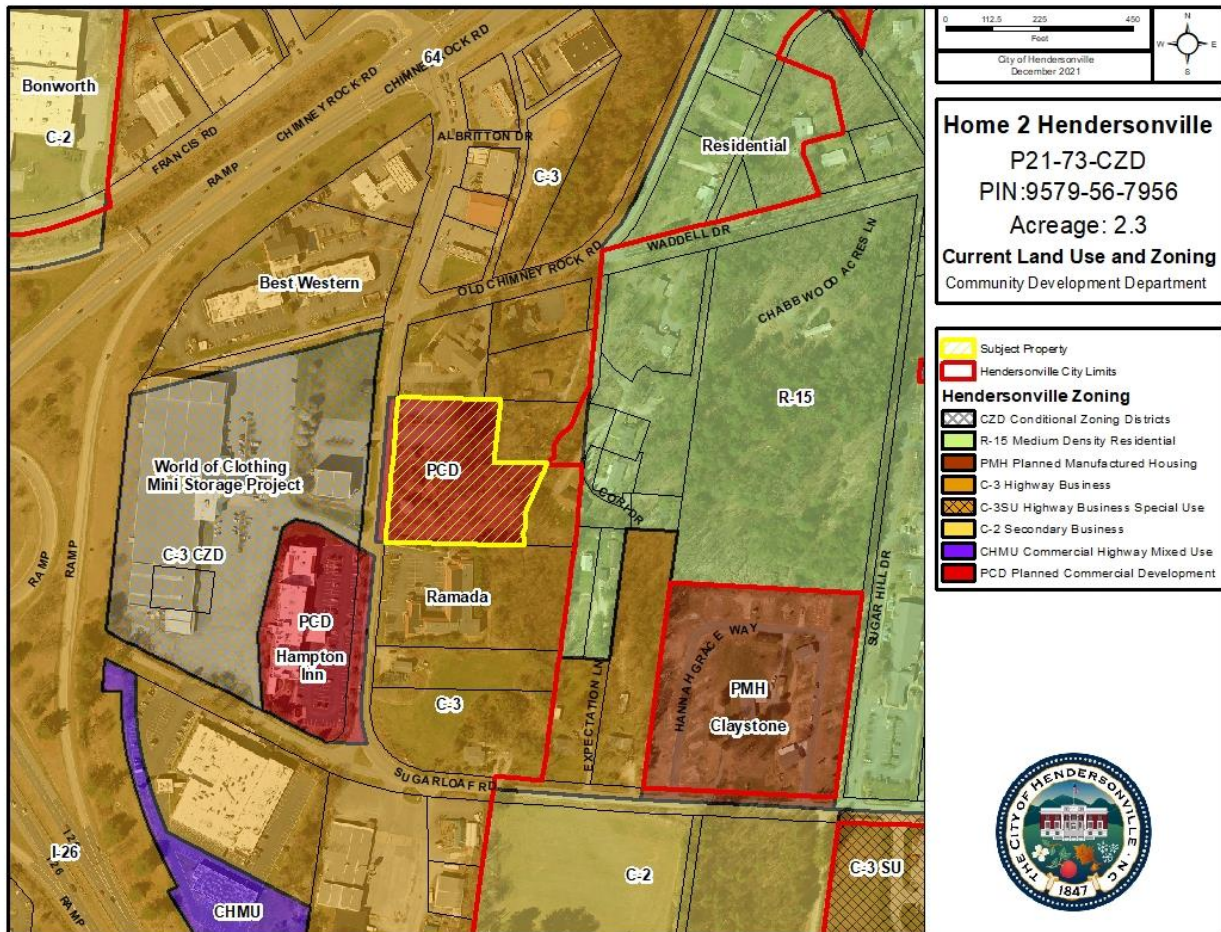
Summary Statement of Applicant Rezoning Request

The City of Hendersonville is in receipt of an application for a conditional rezoning from Sanjay Patel (applicant) of Sugarloaf Hospitality LLC (property owner). The applicant is requesting to rezone the subject property, PIN 9579-56-7956 and is located at 0 Sugarloaf Road, from PCD, Planned Commercial Development to PCD CZD, Planned Commercial Development Conditional Zoning District for the development of a 66,000 sq. ft., four-story hotel with meeting room on 2.30 acres.

This zoning district and site plan for this property was previously approved by City Council as a Special Use Permit in August 2018. However, the permit lapsed since as construction did not begin within the given amount of time. Therefore, the project must seek new approvals under the current zoning regulations.

The applicant is asking that the permitted use of Hotels & Motels in PCD, Planned Commercial Development, Conditional Zoning District be permitted.

PROJECT SUMMARY - CONTINUED



Parcels to the north are zoned C-3 Highway Business and contain commercial uses such as the Best Western Hendersonville Inn and Mariscos El Paso Mexican Restaurant. Parcels to the south are zoned C-3 and PCD Planned Commercial Development and include the Ramada Inn, Hampton Inn and Cascades Mountain Resort Hotel. Parcels to the east are zoned C-3 Highway Business and R-15 Medium Density Residential. Parcels to the west are zoned C-3, Highway Business and contain Interstate 26. The parcel is also in close proximity to I-26 interchange.

SITE CONDITIONS – SITE IMAGES

*View of shared
parking entrance
from Sugarloaf Rd
facing East*



*View of site from
Sugarloaf Rd
facing southeast*



*View of grading on
site from Sugarloaf Rd
(facing East)*



SITE CONDITIONS – SITE IMAGES CONTINUED

Additional view of grading on site from Sugarloaf Rd (facing southeast)



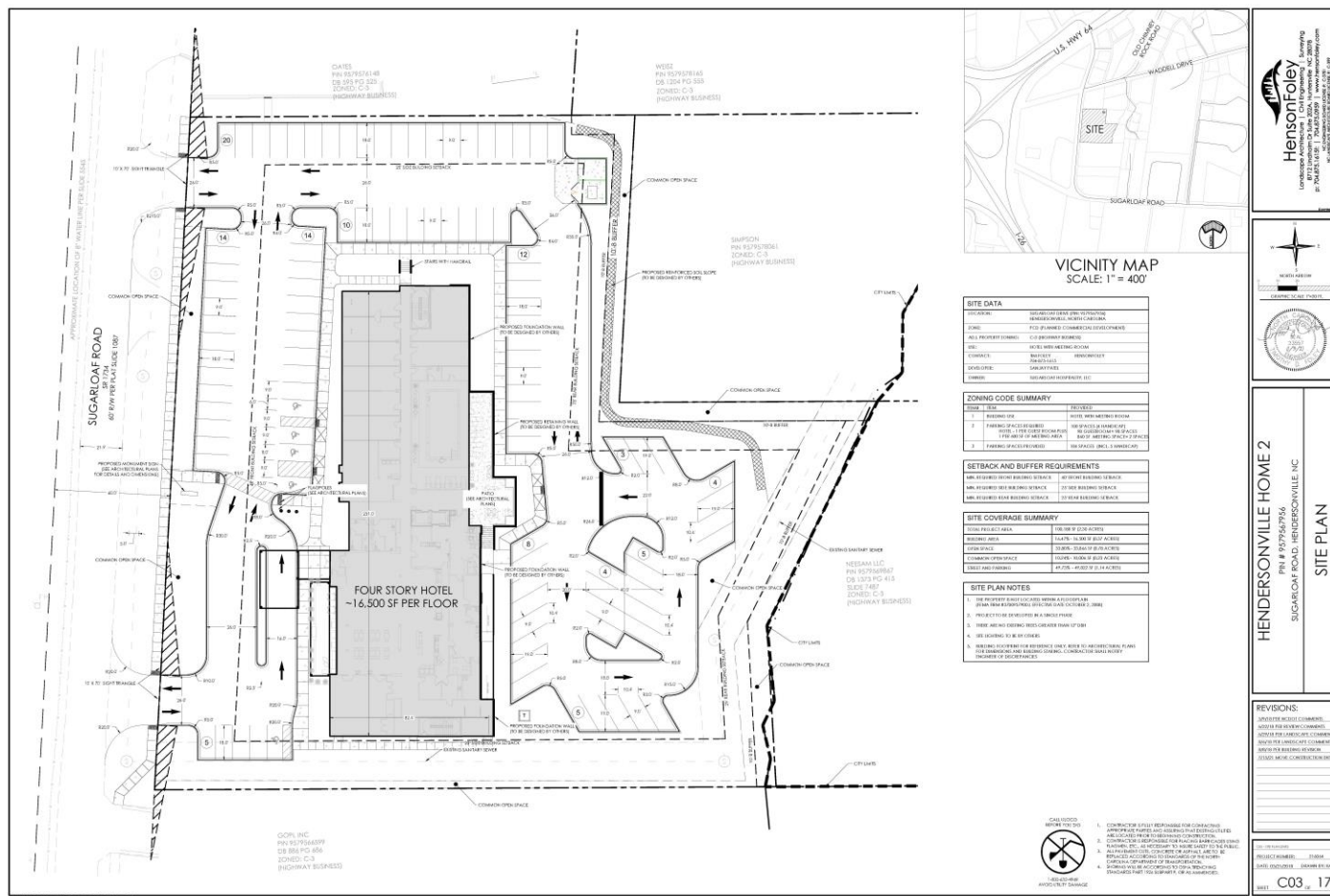
View of Ramada Inn from site (facing South)



View of grading on site from Sugarloaf Rd (facing East)



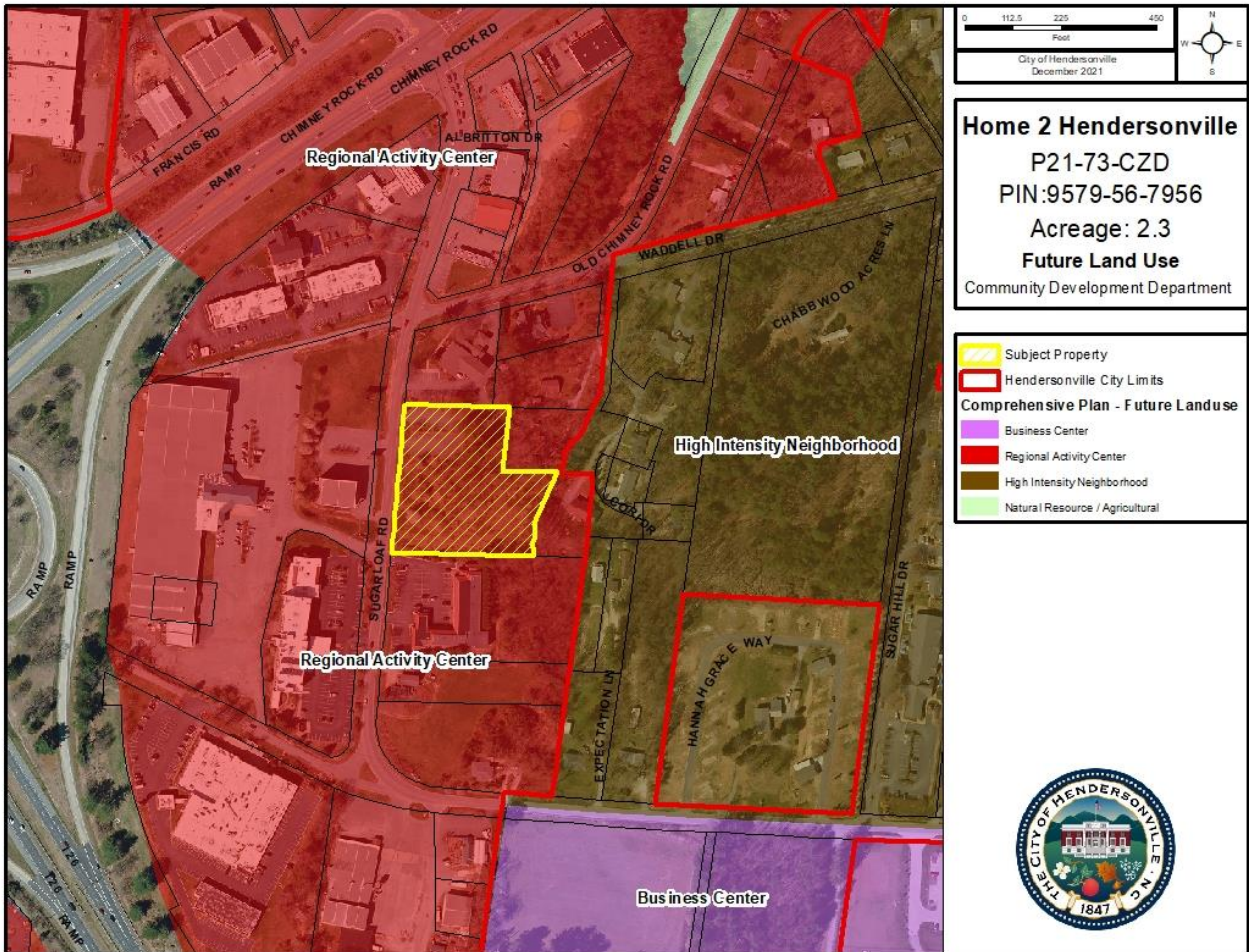
REZONING/SITE PLAN TOPICS



PROPOSED SITE PLAN

SITE COVERAGE SUMMARY	
TOTAL PROJECT AREA	100,188 SF (2.30 ACRES)
BUILDING AREA	16.47% - 16,500 SF (0.37 ACRES)
OPEN SPACE	33.80% - 33,866 SF (0.78 ACRES)
COMMON OPEN SPACE	10.24% - 10,006 SF (0.23 ACRES)
STREET AND PARKING	49.73% - 49,822 SF (1.14 ACRES)

REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates the subject property as well as parcels to the north, south and east as Regional Activity Center. The subject property as well as other properties to the east are classified as High Intensity Neighborhood. The site is within close proximity to the I-26 interchange.

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.



Goal LU-9.

Regional Activity Center: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

Strategy LU-9.1.

Locations:

- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.

Development guidelines:

- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures



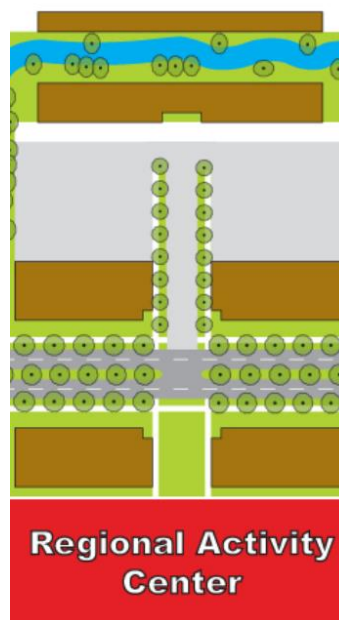
Example of a Regional Activity Center

Goal LU-1.

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

Strategy LU-1.1.

Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a.



COMPREHENSIVE PLAN CONSISTENCY-CONTINUED

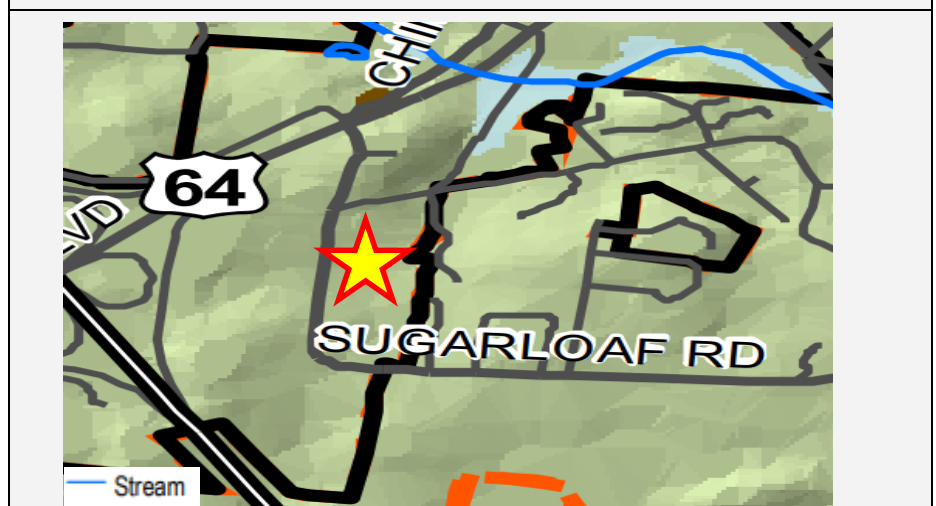
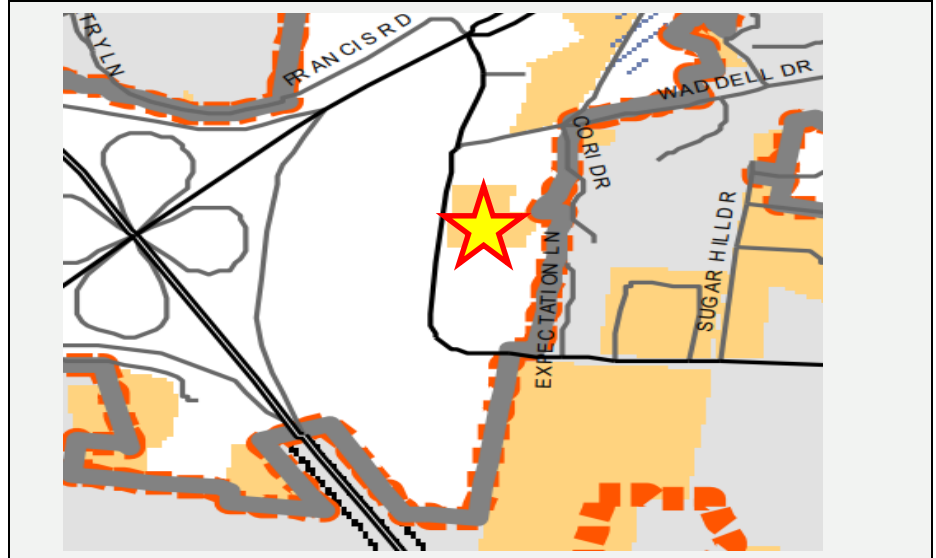
Growth Management

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

The map depicts locations of greenfield development opportunities in Hendersonville and surrounding areas

Development Opportunities
(includes vacant land, agricultural land, and single-family residential properties greater than five acres)

No blue line streams or floodplain are located on the proposed development site.



TRANSPORTATION:

*Transportation Impact
Analysis: According to
the City's*

2030 Comprehensive
Plan Transportation
Map

- Major Thoroughfare
- Minor Thoroughfare
- Proposed Improvement

Notable Area NCDOT
Projects

The project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds to require a TIA.

Hotel- Per 1,000 Square Feet Calculation

44 Trips (26 in, 18 out) AM peak hour.

47 Trips (24 in, 23 out) PM peak hour

679 Daily Trips.



There are no planned projects that would directly impact the layout of this development.

However, future improvements associated with the Interstate 26 interchange project could impact the circulation patterns at Sugarloaf Road and Chimney Rock Road. NCDOT has not provided a timeline for these improvements or any further details about the improvements.

SITE PLAN REVIEW

Buildings: The site plan shows a four-story hotel with meeting room with a total project area of 100,188 square feet.

- Four-story hotel: 16,500 square feet per floor (66,000 square feet total)
- Meeting Room: 860 square feet

Open Space (Section 6-16-3): The zoning ordinance requires that all non-residential developments which are subject to site plan review or a conditional zoning district have at least 10% of common open space.

Total Project Area = 100,188 square feet (2.3 acres)

Common Open Space Provided = 10.24% or 10,006 square feet (.23 acres)

Landscaping:

Screening (Section 15-7): The applicant will be required to screen dumpsters or trash handling areas from abutting property and from public view.

Buffer Plantings (Section 15-6): The zoning ordinance requires a 10-foot Type B buffer between this parcel and the parcels to the east that are residential in use.

Required: 22 Canopy Trees, 133 Evergreen Shrubs, 175 Flowering Shrubs

Vehicular Use Landscaping (Section 15-9): The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of vehicular use area (VUA). The site has an existing VUA of 49,822 square feet.

Required: 13 Trees and 26 Shrubs

Parking Requirements - Table 6-5-2

The zoning ordinance requires 1 parking space per guest room plus 1 per 600 squared feet of public meeting area and restaurant area.

98 guestrooms plus 860 squared feet meeting room = 100 required parking spaces

104 spaces provided (includes 5 handicap spaces)

Shared and Off-Site Parking (Section 6-5-3): The zoning ordinance allows for parking requirements for two or more uses to be satisfied with shared parking. Shared parking may be approved only when the subject uses have inherent differences in parking activity patterns and the right of joint use of a parking facility is evidenced by a contract establishing joint use.

A prior reciprocal parking agreement dated June 29, 2005 and recorded with the Henderson County Register of Deeds provides for the “cross parking” between the “Hotel Property” (subject property) and the “Store Property” (A Day in the Country Café

and Store) located at 130 Sugarloaf Road. This agreement provided for the shared parking within designated parking spaces on the “Hotel Property” so long as the current use of the “Store Property” existed and vice versa. The adjacent café and store hours of operation are Monday through Saturday from 10AM to 5PM. The hours of operation for the proposed hotel will require check-ins any time after 4PM and check-outs before 11AM.

Sidewalks (Section 6-12):

Sidewalks are required along the property frontage on Sugarloaf Road.

Vehicular Access:

Sugarloaf Road is a NCDOT – managed road. The applicant will be required to obtain a driveway entrance permit from NCDOT prior to final site plan approval.

Stormwater:

A stormwater management plan will be required and shall be submitted and approved prior to final site plan approval.

Fire Suppression:

Fire code will require that.

REQUESTED USES:

Applicant requests Hotels & Motels under the permitted uses of Planned Commercial Development Conditional Zoning District.

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:**Zoning Compliance:**

Based on the review by staff, the submitted site plan for this project appears to be generally compliant with the Zoning Ordinance standards established in Article 11 -4 of the City Zoning Ordinance.

Staff finds that the application/proposed site plan is in keeping with the standards established for CZD zoning map amendments outlined in Section 11-4 of the zoning ordinance.

Final zoning ordinance compliance will be established at the time of the final site plan review and approval.

Comprehensive Plan Consistency:

Staff feels that this development is in alignment with Strategy LU 1.1 of Chapter 8 in the Comprehensive Plan. This strategy states, “Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a.”

ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following factors are to be included in decision making process:

Compatibility with Surrounding Uses

- Given the location of the subject property to a major interstate exit and it is surrounded by Commercial uses, makes the proposed project compatible with the surrounding uses. Additionally, there are three hotels currently operating in proximity to the subject property.

Changed Conditions

- The subject property is currently a vacant lot that is located designated as Priority Infill area by the Comprehensive Plan. The proposed development is in alignment with goals and strategies of the Comprehensive Plan.

Public Interest

- This development results in a logical and orderly development pattern as there are existing hotels operating in proximity to the subject property. An addition of a hotel and meeting room will provide further accommodations for visitors for both business and pleasure.

Public Facilities

- The public utilities will not be burdened by this development.

Effect on the Natural Environment

- Existing vegetation was approved to be removed without mitigation in 2018. The applicant began grading the site per the 2018 approval prior to planning staff receiving this application at which point the applicant was made aware that the entitlements had lapsed. The applicant will also have to plant additional landscaping to bring the site into conformance with current landscaping requirements.

PROPOSED CONDITIONS:

Staff does not have any proposed conditions for this development.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on November 22, 2021. Two members of the public attended in person with two citizens on Zoom. They had questions concerning:

1. Preservation of trees and proposed landscaping of the site;
2. The planting of evergreen trees between the residential properties and commercial hotel;
3. Floodwater and storm water on Sugarloaf Road; and
4. The hotel lighting affecting the neighboring residential areas.

TREE BOARD- SUMMARY OF ACTION

[RESERVED]

PLANNING BOARD SUMMARY OF ACTION

[RESERVED]

Summary of Planning Board Discussion

Planning Board Motion

Attachments in the Packet:

Staff Report, Full-Size Site plan, Ordinance, Proposed Zoning Map, NCM Minutes, Application

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL 9579-26-7956 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO PCD CZD PLANNED COMMERCIAL DEVELOPMENT, CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-56-7956 – Hendersonville Home 2.
(File # P21-73-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Sanjay Patel (applicant) and Sugarloaf Hospitality LLC (owner) for the development of a four-story hotel and meeting room on approximately 2.3 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on December 13th, 2021; voting unanimously 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 January 6th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9579-56-7956 from PCD Planned Commercial Development, to PCD CZD Planned Commercial Development, Conditional Zoning District
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following:
 - a. Permitted Uses shall include:
 - i. Hotels & motels
3. This ordinance shall be not be effective until the stipulated list of conditions 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 sixth day of January 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

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

Applicant: Sanjay Patel

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____

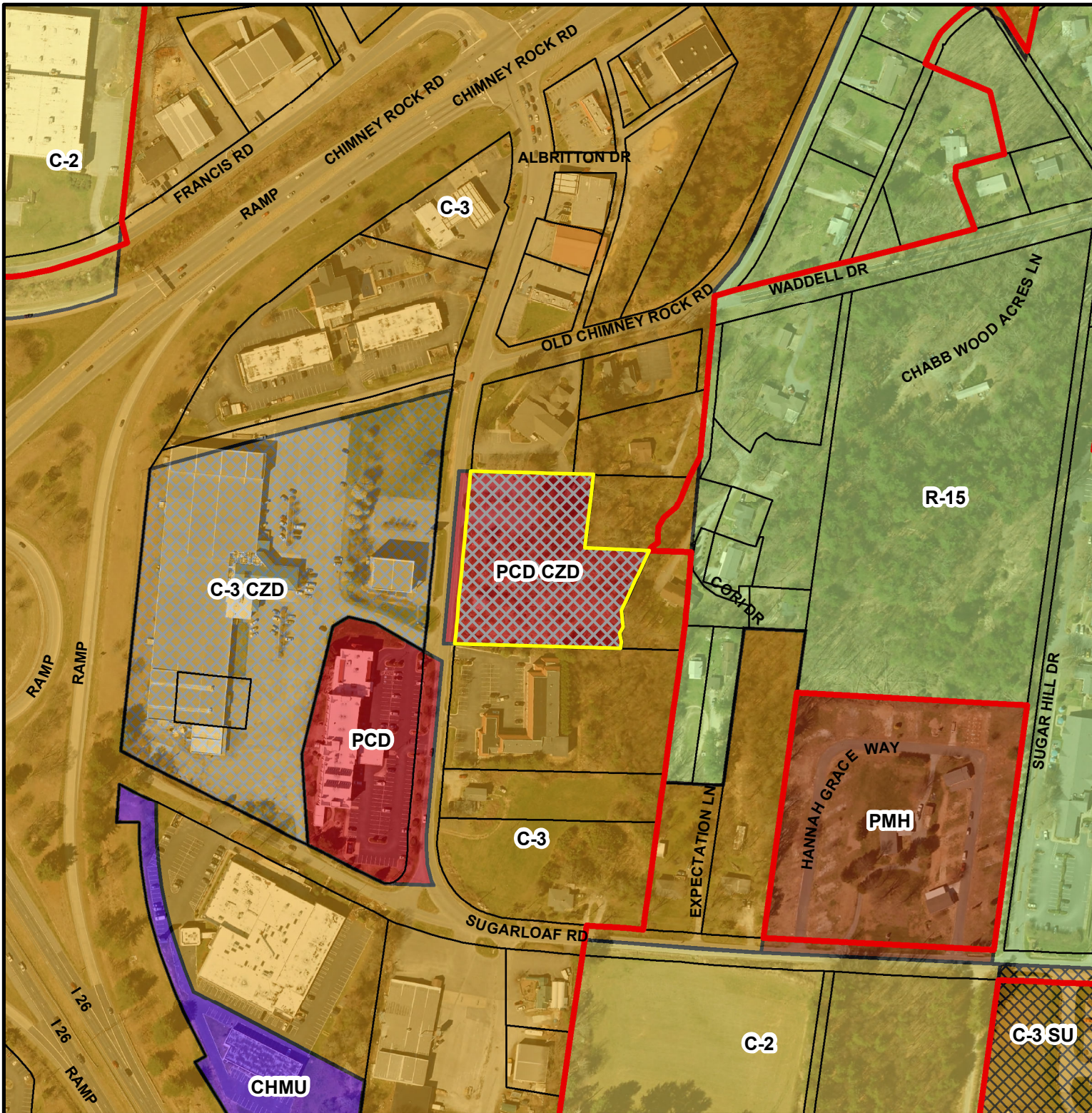
Property Owner: Sugarloaf Hospitality LLC

Signature:_____

Printed Name:_____

Date:_____

Title Within LLC:_____



Home 2 Hendersonville
P21-73-CZD
PIN:9579-56-7956
Acreage: 2.3
Proposed Zoning
Community Development Department

- Hendersonville Zoning**
- Subject Property
 - Hendersonville City Limits
 - CZD Conditional Zoning Districts
 - R-15 Medium Density Residential
 - PMH Planned Manufactured Housing
 - C-3 Highway Business
 - C-3SU Highway Business Special Use
 - C-2 Secondary Business
 - CHMU Commercial Highway Mixed Use
 - PCD Planned Commercial Development



Planning Report
 Neighborhood Compatibility Meeting
 Application for a Conditional Zoning District
 Hendersonville Home 2 File # P21-73-CZD
 Monday, November 22, 2021 2:00 p.m.

Alexandra Hunt, Planner I, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately two members of the public, the applicant and three City staff were in attendance and three attended via Zoom. The following attended:

Name	Address	Name	Address
Matt Manley	Staff (Zoom)		
Tyler Morrow	staff		
Terri Swann	staff		
Alexandra Hunt	staff		
Sanjay Patel, App	146 Sugarloaf Road		
Cheria Duncan	20 Hannah Grace Way		
Charlotte McClanahan	131 Yon Hill Rd.		

Ms. Hunt opened the meeting explaining this is the Neighborhood Compatibility meeting for the Hendersonville Home 2 project. According to the City's Zoning Code, the Neighborhood Compatibility meeting is the first step in the Conditional Zoning process. This project has NOT yet been reviewed by staff for Zoning Code Compliance or Comprehensive Plan Consistency. A more detailed preliminary site plan will be submitted prior to advancing to the next stage of the process. Once the Preliminary Site Plan is submitted, it will be reviewed by staff and the project will then go to the Tree Board before going to the Planning Board. Both of these boards are advisory to the City Council. Planning Board and Tree Board will both make recommendations that will be reviewed by City Council. At both the Planning Board and the City Council meetings, a public hearing will be held on this item – thus providing additional opportunities for public input. City Council is the last step in the Conditional Rezoning process. City Council will review the project and the recommendations from Tree Board and Planning Board, and they will give consideration to public comments before ultimately making a decision on the rezoning. A property is not rezoned until it is approved by City Council.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and via email and will be addressed during this meeting. Comments and questions will also be accepted during today's meeting, both in-person and through zoom by following these procedures: Participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star-9. If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium.

Before you speak, please state your name and address to be included in the record.

Regarding the project:

The subject property is currently zoned PCD, Planned Commercial Development. This project was never constructed, and the Special Use Permit has expired.

The property is proposed to be rezoned to PCD CZD (Planned Commercial Development Conditional Zoning District). Conditional Zoning Districts have a binding site plan and List of uses and conditions. The site plan shows a 66,000 sq. ft. four-story hotel with a meeting room on approximately 2.3 acres.

If approved, the development would be limited to the stated uses and what is shown on the approved plan. Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented. We will identify speakers in order and unmute you.

Before you speak, please give your name and address for the record. Minutes of this meeting are being recorded and will be forwarded to the Planning Board and City Council.

Sanjay Patel with Sugarloaf Hospitality stated he is part of the development team and they have constructed six hotels in North Carolina. They were previously approved, and this was a stop and go project. They like this area and will be happy to answer any questions.

There was one pre-submitted comment. Ms. Hunt read the comment into the record.

I am the property owner of 50 Cori drive, Hendersonville, nc 28792.

We have following concern and questions.

1) please plant evergreen trees between Residence and commercial Hotel.

2) Clean the creek behind the Home 2

Hotel so that additional flood water will not back up near residence and surrounding area.

3) currently the storm water is flooding on Sugarloaf road so please Divert water proper way.

4) please divert water from proposed storage project and proposed Hotel project to take care of excess storm water on Sugarloaf road.

5) Make sure no flood lights in the Hotel parking to avoid excess lights into Residence.

Thank you.

Biren patel

828 215 8731.

Mr. Patel stated they have a landscape plan, and they will be separating the hotel from the residential area. They do have a stormwater plan in place and will meet the requirements for the City. They are not responsible for the storage project and their stormwater, but they are working on the stormwater for the hotel. They are working with Duke Energy on the lighting and plan to keep the glare off neighboring properties.

Ms. Hunt asked if anyone in attendance would like to speak. No one spoke.

Ms. Hunt stated she would now open up the public comment for anyone attending via zoom.

Ken Fitch, 1046 Patton Street stated is the property location directly across from the World of Clothing. Mr. Patel stated it is next to the Ramada Inn and A Day in the Country. Mr. Fitch asked if the current work being done is under the Special Use Permit. Mr. Patel stated they received a grading permit from the City of Hendersonville. Mr. Fitch asked about a tree survey. Mr. Patel stated he was not sure about this. Mr. Fitch stated there are large trees on the property that will be cut down and that is a concern. The Tree Board will need to know if a tree survey was done.

Tyler Morrow, Planner II stated this project was previously approved by City Council and received a zoning permit but has since expired and that is why it is having to go back through the process for a CZD.

Mr. Fitch asked about the lighting being Dark Sky compliant because that will be something they will need to know. He also asked about the site plan stating reinforced soil slope and foundation being designed by others. Can he explain that? Mr. Patel stated he has a design team that has contractors they work closely with and they will design this. Mr. Fitch stated landscaping is a concern and there is a large impervious surface so stormwater will also be a concern. Is there a Blueline Stream on the property. Ms. Hunt stated the site plan has not formally been reviewed by staff yet.

Matthew Manley, Planning Manager (attending via Zoom) stated he would look into the Blueline Stream and get an answer.

Ms. Hunt asked if anyone else would like to comment. No one spoke.

Mr. Manley stated the Blueline Stream ends at the property line just on the northern edge of the property.

Lurah Lowery, Times News asked for the names of the people that spoke.

With no further comments or questions, Ms. Hunt closed the meeting at 2:14 pm.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Alexandra Hunt, Planner I **MEETING DATE:** December 13, 2021

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

TITLE OF ITEM: Rezoning: Conditional Rezoning: 137 & 139 E. Central St. (P21-72-CZD) – *Lew Holloway, Director & Alexandra Hunt, Planner I*

SUGGESTED MOTION(S):

1. For Recommending Approval:

I move the Planning Board recommend City Council APPROVE the adoption an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-24-9710) from C-2 CZD (Secondary Business, Conditional Zoning District) Zoning to C-2 CZD (Secondary Business, Conditional Zoning District) based on the site plan and list of uses submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of *High Intensity Neighborhood* and that the rezoning is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this rezoning is good for the community. Example suggestions below or include your own]

- 1) That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development.
- 2) That the rezoning is compatible with the surrounding land uses.
- 3) That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan.

2. For Recommending Denial:

I move the Planning Board recommend City Council Deny the adoption of a an ordinance to rezone the subject property (PIN: 9578-24-9710) from C-2 CZD (Secondary Business, Conditional Zoning District) Zoning to C-2 CZD (Secondary Business, Conditional Zoning District) for the following reasons:

[Please state reasons describing why this rezoning should not be approved]

- 1) The development is not consistent with the Comprehensive Plan *[if applicable]*.
- 2) The development is not compatible with the surrounding uses. *[if applicable]*.
- 3) The development is not in the public interest because *[state why if applicable]*.
- 4) There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. *[if applicable]*.
- 5) The development will have a detrimental impact on the natural environment *[if applicable]*.

SUMMARY:

The City is in receipt of a Conditional Rezoning application from William A. Pace Jr. to add Automotive Paint & Body and an abbreviated list of permitted uses in the C-2 Secondary Business Zoning District to the property located at 137 & 139 E. Central St. (PIN: 9578-24-9710) to the existing C-2 CZD Zoning District.

For additional detail, please see the attached staff report prepared for the Planning Board.

PROJECT/PETITIONER NUMBER:	P21-72-CZD
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Planning Board Staff Report List of Permitted Uses 2. Proposed Zoning Map 3. Draft Ordinance 4. Application

137 & 139 E Central St CZD

P21-72-CZD

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PUBLIC COMMENT: 10

PLANNING BOARD SUMMARY OF ACTION..... 10

List of Permitted Uses in C-2 Secondary Business Zoning District Classification (5-7-1) ..**Error! Bookmark not defined.**

Special Uses (5-7-2):.....**Error! Bookmark not defined.**



PROJECT SUMMARY

Applicant: William A. Pace Jr.

Property Owner: William A. Pace Jr. LLC

Property Address: 137 & 139 E. Central St.

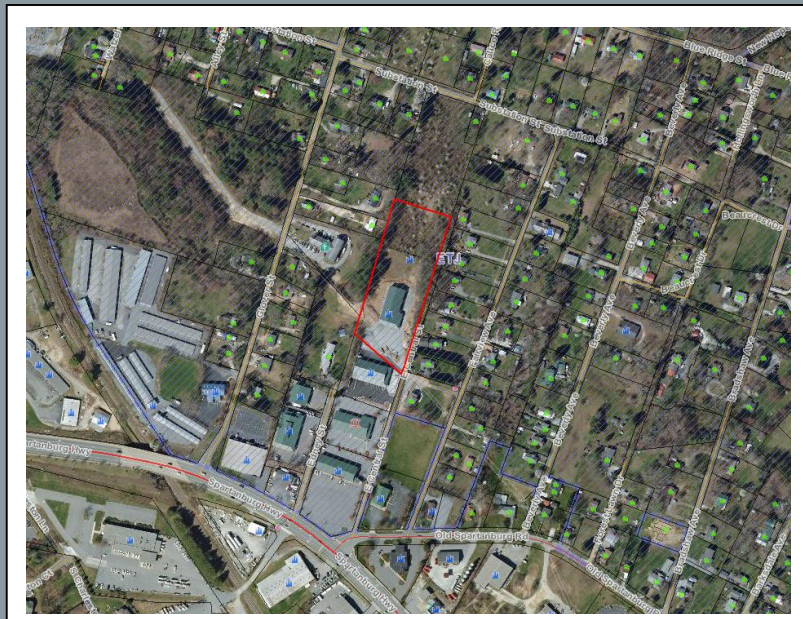
Project Acreage: 3.06 Acres

Parcel Identification Number(s): 9578-24-9710

Current Parcel Zoning: C-2 CZD, Secondary Business Conditional Zoning District

Proposed Zoning: C-2 CZD

Neighborhood Compatibility Meeting: November 23, 2021



SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

The City of Hendersonville is in receipt of an application for a conditional rezoning from William A. Pace (Billy), applicant is the property owner. City Council previously approved a conditional rezoning request and site plan for the subject property on April 2, 2020. The property was subsequently rezoned to C-2 Secondary Business, Conditional Zoning District.

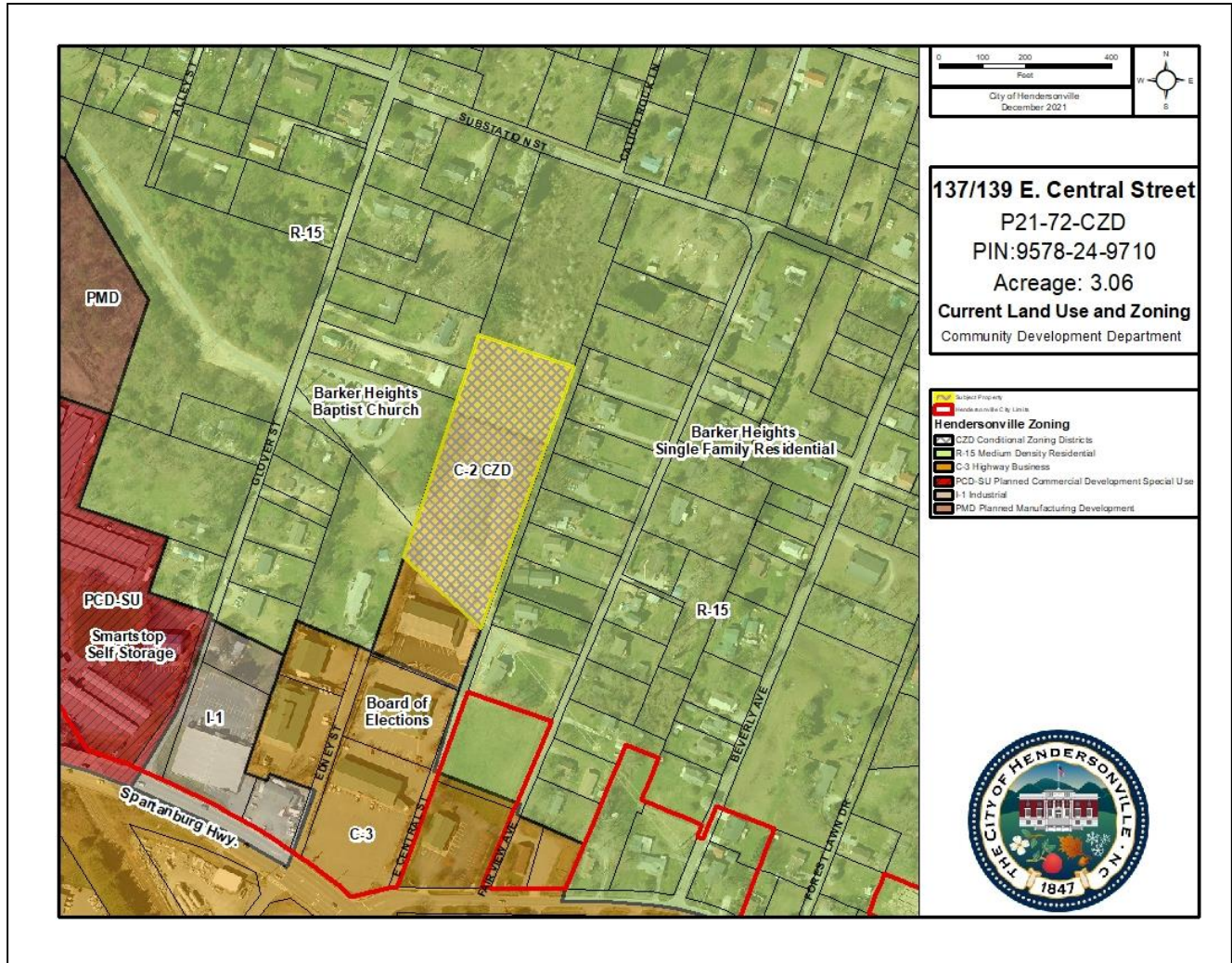
The applicant is requesting to add Automotive Paint and Body Work and all permitted uses in the C-2 zoning district to the approved list of uses for the Conditional Zoning District at the subject property. No changes to the previously approved site plan are proposed.

The Concept Plan shows two commercial buildings on approximately 3.06 acres. The permitted uses under the current CZD are the following:

- *Business services*
- *Construction trades facilities*
- *Personal services*
- *Public and semi-public buildings*
- *Recreational facilities, indoor*
- *Religious institutions*
- *Repair services, miscellaneous*
- *Residential dwellings, single-family*
- *Residential dwellings, two-family*
- *Wholesale businesses*
- *Light manufacturing.*

A list of uses requested in addition to what is above is shown on page 8 of this staff report.

PROJECT SUMMARY - CONTINUED



The predominate uses in the area are residential. However, parcels to the south of the subject property are zoned C-3 Highway Business and R-15 and include commercial uses such as the Henderson County Board of Elections and O'Reilly Auto Parts. Due to this location, the subject property is in a transitional area where land uses are lowering in intensity from commercial to residential as you move east from Spartanburg Highway.

The subject property is accessed by E Central Street, which is partially closed, and the applicant has no intention of reopening the street.

SITE CONDITIONS – SITE IMAGES

*View of both
buildings located
at 137 & 139 E.
Central St.*



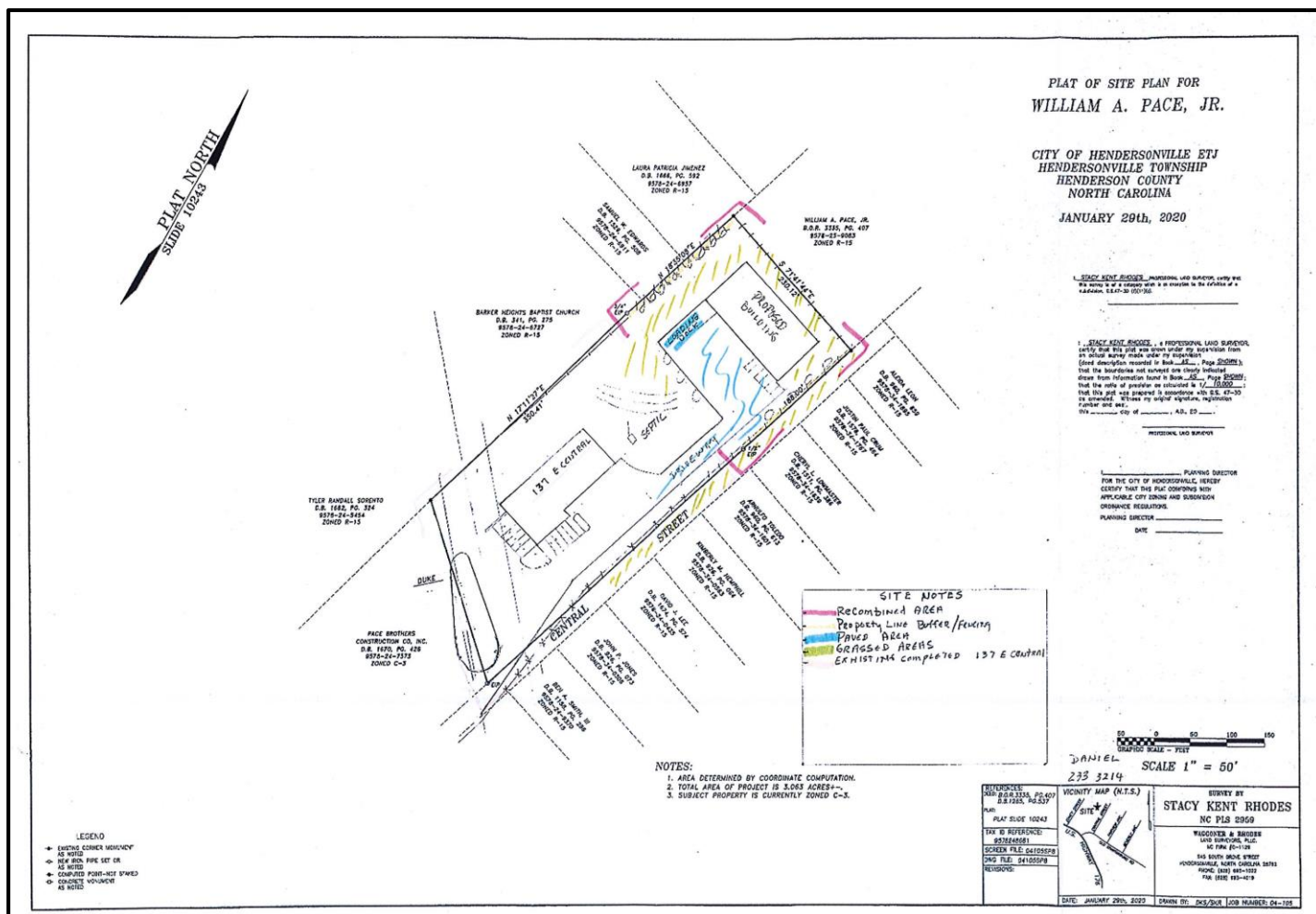
*View of the
building at 137 E.
Central St.*



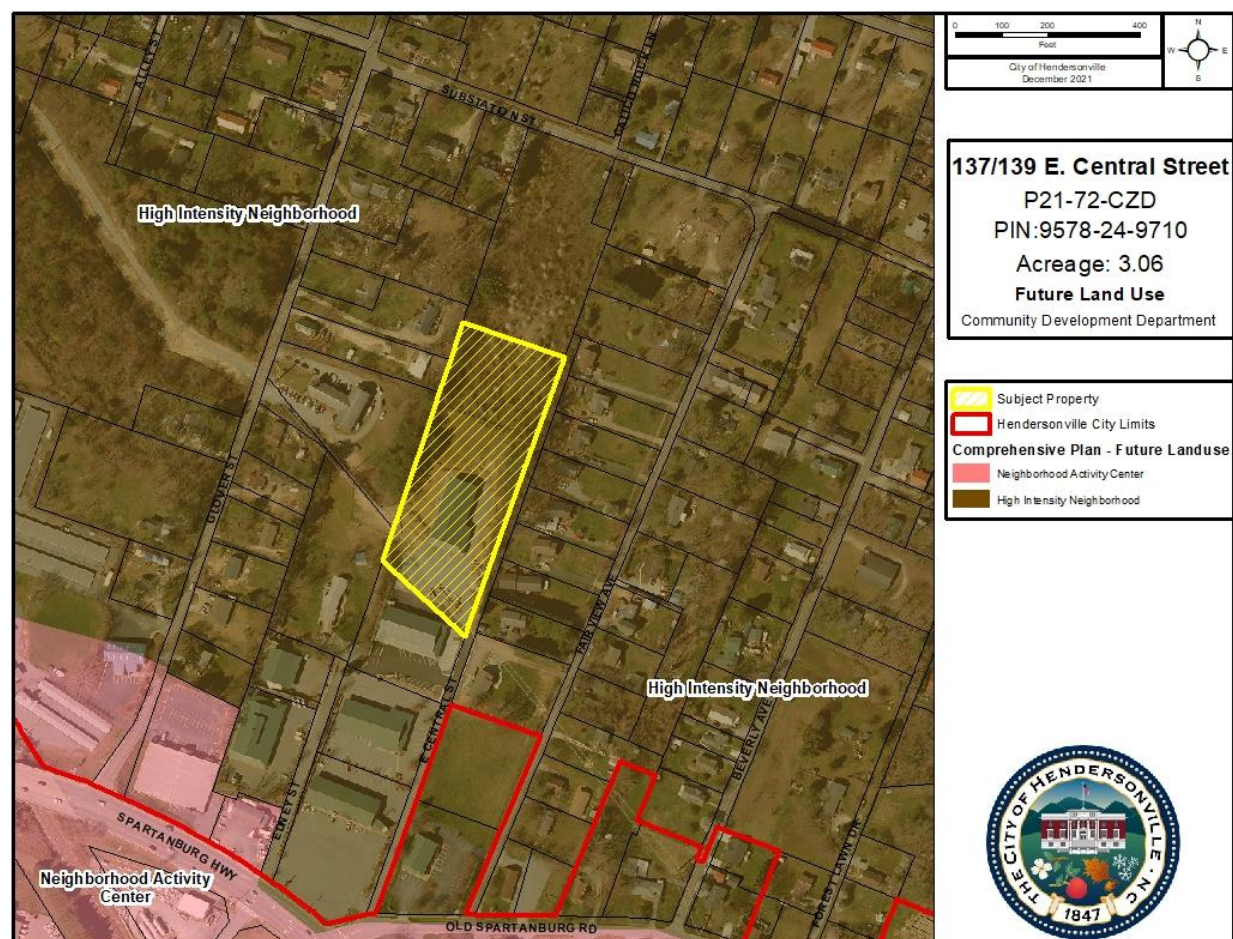
*View of the
building located at
139 E. Central St.*



Concept Plan



REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map (FLUM) designates the subject property as well as all adjacent parcels as High Intensity Neighborhood. The goal of this designation is to encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Secondary recommended land uses include public and institutional uses, office and retail along thoroughfares and recreational amenities.

The applicant is requesting to add additional uses to the existing C-2 CZD, Secondary Business Conditional Zoning District which include Automotive Paint and Body Work as well as an abbreviated list of permitted uses as listed in the C-2 Secondary Business zoning district. The proposed additional uses align with the Comprehensive Plan's Land Use & Development Chapter as the subject property is located near the intersection of Spartanburg Highway and Old Spartanburg Road and is located within close proximity to downtown.

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.



Goal LU-9.

Regional Activity Center: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

Strategy LU-9.1.

Locations:

- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.

Development guidelines:

- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures



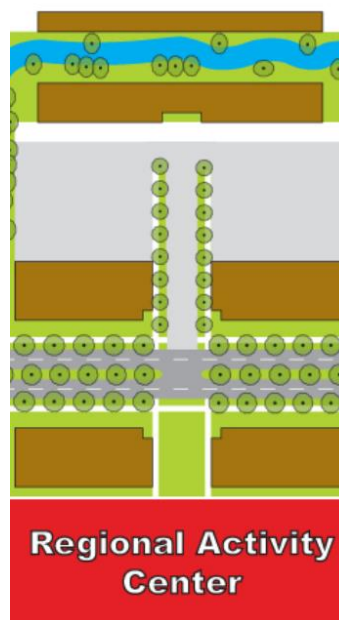
Example of a Regional Activity Center

Goal LU-1.

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

Strategy LU-1.1.

Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a.



REQUESTED USES:

Applicant requests to add Automotive Paint and Body Work, which is a Special Use in C-2, and the following permitted uses in C-2 CZD, Secondary Business Zoning District Classification:

Accessory uses & structures

Animal hospitals & clinics so long as the use contains no outdoor kennels

Automobile car washes

Automobile sales & service establishments

Banks and other financial institutions

Bed & breakfast facilities

Cultural arts buildings

Dance and fitness facilities

Dry cleaning and laundry establishments containing less than 6,000 ft² square feet of floor area

Farm equipment sales & service

Funeral homes

Laundries, coin-operated

Microbreweries, subject to special requirements Supplementary Standards contained in Section 16-4, below

Mobile food vendors, subject to special requirements Supplementary Standards contained in Section 16-4, below

Music and art studios

Neighborhood community centers

Newspaper offices and printing establishments

Offices, business, professional and public

Parking lots and parking garages

Parks

Progressive care facilities subject to special requirements Supplementary Standards contained in Section 16-4, below

Restaurants

Retail stores

Schools, post-secondary, business, technical and vocational

Schools, primary & secondary

Signs, subject to the provisions of Article XIII

Theaters, indoor

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:**Zoning Compliance:**

Based on the review by staff, the submitted site plan for this project appears to be generally compliant with the Zoning Ordinance standards established in Article 11-4 of the City Zoning Ordinance.

Staff finds that the application/proposed site plan is in keeping with the standards established for CZD zoning map amendments outlined in Section 11-4 of the zoning ordinance. No changes to the previously approved site plan are proposed.

Final zoning ordinance compliance will be established at the time of the final site plan review and approval.

Comprehensive Plan Consistency:

Staff feels that the request for additional uses of Automotive Paint & Body Work and the permitted uses in C-2 Secondary Business Zoning District is in alignment with Strategy LU 1.1 of Chapter 8 in the Comprehensive Plan. This strategy states, “Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the “Priority Infill Areas” on Map 8.3a.”

ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following factors are to be included in decision making process:

Compatibility with Surrounding Uses

- The proposed amendment is compatible with the surrounding and existing uses. The applicant is requesting to add additional uses to an existing office building.

Changed Conditions

- The proposed added uses are in alignment with goals and strategies of the Comprehensive Plan. The applicant is requesting to add the use of Automotive Paint & Body Work as well as the permitted uses in the C-2 Secondary Business Zoning District in order to offer additional services to an existing office building.

Public Interest

- The proposed amendment results in a logical and orderly development pattern of the area.

Public Facilities

- The public utilities will not be burdened by this development.

Effect on the Natural Environment

- A site plan for the subject property was previously approved by City Council on April 2, 2020. No changes to the previously approved site plan are being proposed.

PROPOSED CONDITIONS:

Staff does not have any proposed conditions for this development.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on November 23, 2021. There were only two pre-submitted comments and no in-person participants or online participants via Zoom in attendance. The following are the two pre-submitted comments:

1. *Janice Parker -508 Glover Street, Hendersonville, North Carolina 28792*

This is a reasonable request and he will be providing services that will benefit the public. The man should be able to market these improvements to his property.

2. *William McClure - 613 Substation St, Hendersonville, North Carolina 28792*

I have two concerns. 1. Proposed business would turn in to a salvage vehicle lot with numerous vehicles waiting to be repaired. Location is in a direct line from my back deck. 2. Very concerned that a request to open the remainder of E. Central Street would cause us to lose a large portion of what has been usable land for many years. Plus it would destroy all parking and access to our neighbor's home in addition to a constant flow of vehicles in and out day and night. A privacy fence might prevent traffic from entering our property, but would not preserve the neighbor's entrance and parking space or hide the vehicles from view of our deck. Sincerely, William & Carole McClure

PLANNING BOARD SUMMARY OF ACTION

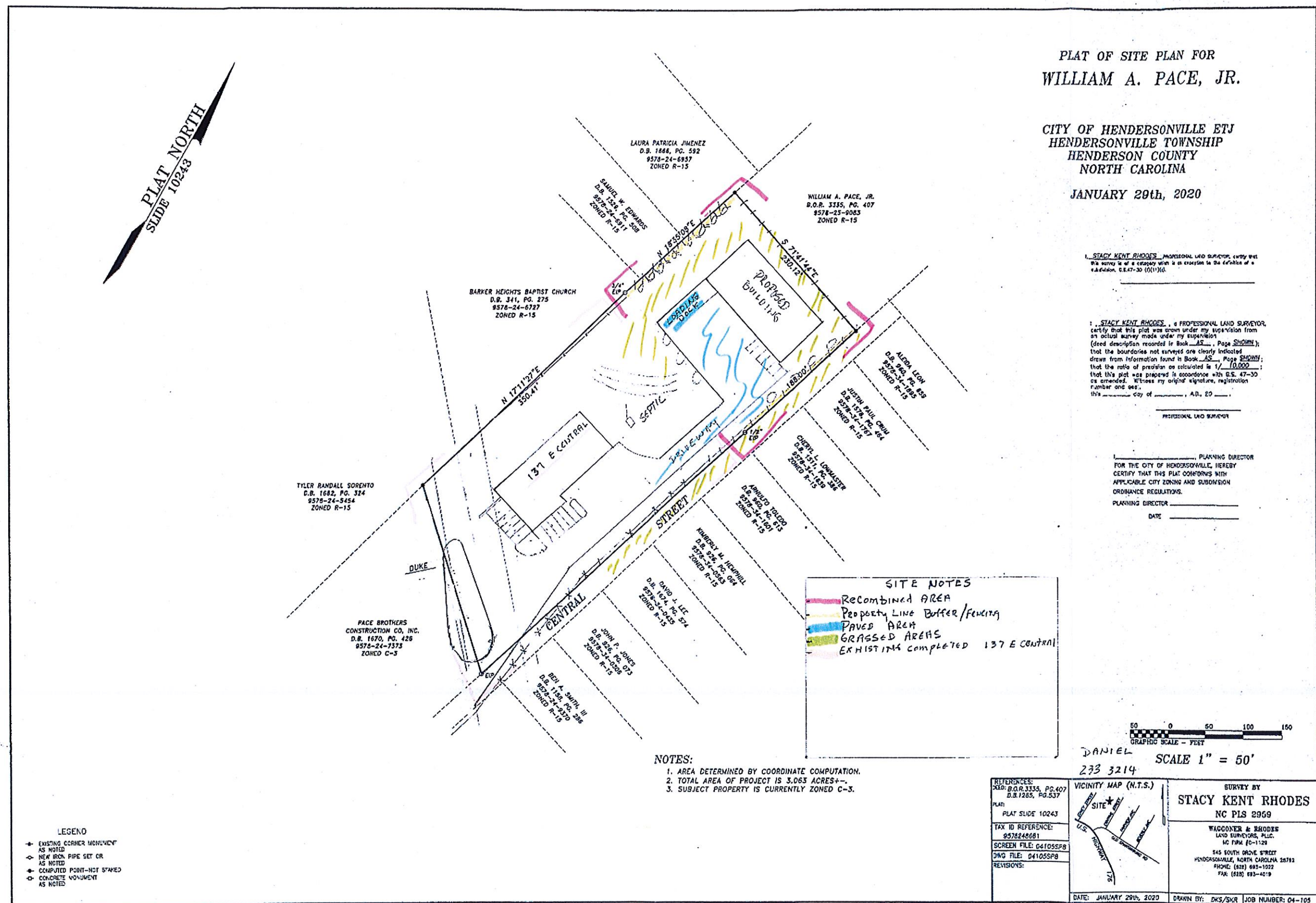
[RESERVED]

Summary of Planning Board Discussion

Planning Board Motion

Attachments in the Packet:

1. Staff Report
2. Full Size Site plan
3. Ordinance
4. Proposed Zoning Map
5. NCM Minutes
6. Application



Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL 9578-24-9710 BY CHANGING THE ZONING DESIGNATION FROM C-2 CZD SECONDARY BUSINESS, CONDITIONAL ZONING DISTRICT TO C-2 CZD SECONDARY BUSINESS CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9578-24-9710 – 137 & 137 E. Central St.
(File # P21-72-CZD)

WHEREAS, the City Council adopted Ordinance #18-070749, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9578-24-9710 (previously, 9578-24-8681) from City of Hendersonville R-15 Medium Density Residential to C-3 CZD, Highway Business Conditional Zoning District; and

WHEREAS, the City adopted Ordinance #20-0427, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9578-24-9710 9710 (previously, 9578-24-8681) from City of Hendersonville C-3 CZD Highway Business Conditional Zoning District to C-2 CZD, Secondary Business Conditional Zoning District; and

WHEREAS, the City is in receipt of a Conditional Rezoning Application from William A. Pace, Jr. (Applicant) and William A. Pace Jr. LLC (Property Owner) for the subject parcel, consisting of the addition of Automotive Paint & Body and certain permitted uses in the C-2 Secondary Business Zoning District to the approved list of uses for the Conditional Zoning District at the subject property, and

WHEREAS, the Planning Board took up this application at its regular meeting on December 13th, 2021; voting unanimously 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 January 6th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9578-24-9410 from C-2 CZD Secondary Business, Conditional Zoning District to C-2 CZD Secondary Business Conditional Zoning District
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following:
 - a) Permitted Uses shall include:
 - i. Accessory uses & structures
 - ii. Animal hospitals & clinics so long as the use contains no outdoor kennels
 - iii. Automobile car washes
 - iv. Automobile sales & service establishments
 - v. Banks and other financial institutions
 - vi. Bed & breakfast facilities
 - vii. Cultural arts buildings
 - viii. Dance and fitness facilities
 - ix. Dry cleaning and laundry establishments containing less than 6,000 ft2 square feet of floor area
 - x. Farm equipment sales & service
 - xi. Funeral homes
 - xii. Laundries, coin-operated
 - xiii. Microbreweries, subject to special requirements Supplementary Standards contained in Section 16-4, below
 - xiv. Mobile food vendors, subject to special requirements Supplementary Standards contained in Section 16-4, below
 - xv. Music and art studios
 - xvi. Neighborhood community centers
 - xvii. Newspaper offices and printing establishments
 - xviii. Offices, business, professional and public

- xix. Parking lots and parking garages
- xx. Parks
- xxi. Progressive care facilities subject to special requirements Supplementary Standards contained in Section 16-4, below
- xxii. Restaurants
- xxiii. Retail stores
- xxiv. Schools, post-secondary, business, technical and vocational
- xxv. Schools, primary & secondary
- xxvi. Signs, subject to the provisions of Article XIII
- xxvii. Theaters, indoor

3. This ordinance shall be not be effective until the stipulated list of conditions 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 sixth day of January 2022.

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

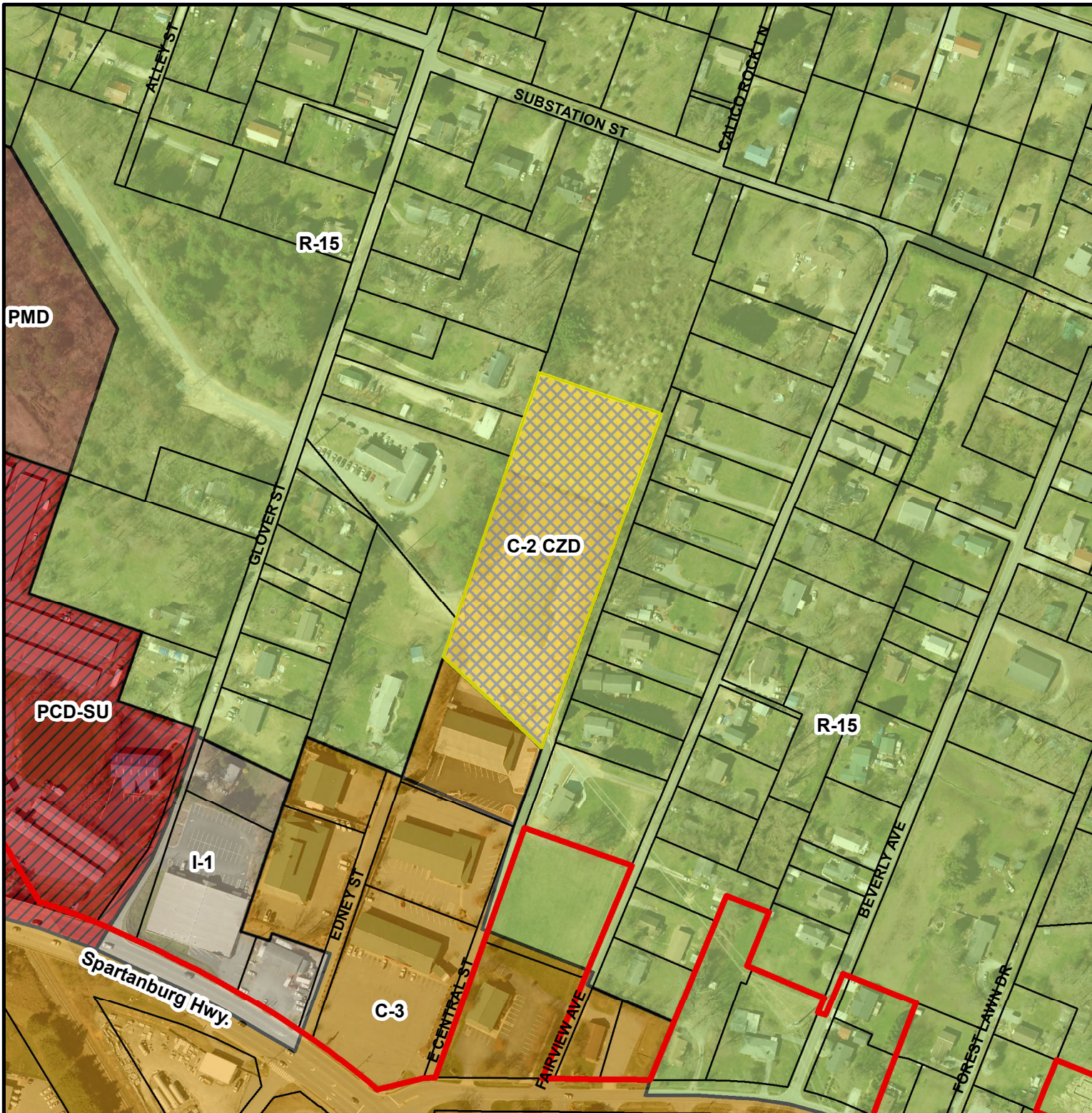
Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

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

Applicant: <u>William A. Pace Jr.</u>	Property Owner: <u>William A. Pace Jr LLC</u>
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Date:_____	Date:_____
Title Within LLC:_____	Title Within LLC:_____



137/139 E. Central Street
P21-72-CZD
PIN:9578-24-9710
Acreage: 3.06
Proposed Zoning
Community Development Department

- Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
- CZD Conditional Zoning Districts
 - R-15 Medium Density Residential
 - C-3 Highway Business
 - PCD-SU Planned Commercial Development Special Use
 - I-1 Industrial
 - PMD Planned Manufacturing Development



Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
137 & 139 E. Central St. File # P21-72-CZD
Tuesday, November 23, 2021 2:00 p.m.

Tyler Morrow, Planner II, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. The applicant and three City staff were in attendance and one staff member attended via Zoom. The following attended:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Matt Manley	Staff (Zoom)		
Tyler Morrow	staff		
Terri Swann	staff		
Alexandra Hunt	staff		
Billy Pace, App	619 S. Grove Street		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for the 137/139 E. Central Street project. The property is located at 137 & 139 E. Central Street.

Pre-submitted public comments for today’s meeting were accepted via the City of Hendersonville website and via email and will be addressed during this meeting.

No one is online and no one was in attendance.

Regarding the project:

The subject property is currently zoned C-2 CZD, Secondary Business Conditional Zoning District. The applicant is requesting to add Automotive paint and body work and all permitted uses in C-2 to the approved list of uses for the Conditional Zoning District at the subject property. The site plan shows two buildings on approximately 3.06 acres.

The list of permitted uses includes: Business services; Construction trades facilities; Personal services; Public and semi-public buildings; Recreational facilities, indoor; Religious institutions; Repair services, miscellaneous; Residential dwellings, single-family; Residential dwellings, two-family; Wholesale businesses and Light manufacturing.

There were two pre-submitted comments. Those were read into the record.

Janice Parker

508 Glover Street, Hendersonville, North Carolina 28792

This is a reasonable request and he will be providing services that will benefit the public. The man should be able to market these improvements to his property.

William McClure

613 Substation St, Hendersonville, North Carolina 28792

I have two concerns. 1. Proposed business would turn in to a salvage vehicle lot with numerous vehicles waiting to be repaired. Location is in a direct line from my back deck. 2. Very concerned that a request to open the remainder of E. Central Street would cause us to lose a large portion of what has been usable land for many years. Plus it would destroy all parking and access to our neighbor's home in addition to a constant flow of vehicles in and out day and night. A privacy fence might prevent traffic from entering our property, but would not preserve the neighbor's entrance and parking space or hide the vehicles from view of our deck. Sincerely, William & Carole McClure

Mr. Pace stated the work being done next to Mr. McClure is residential and there will not be any vehicles back there. Vehicles accessing this property will come in off of Spartanburg Highway. Any vehicles on this property will be out of sight. The building and the grading in the rear is for a residential home and not a commercial business. The access for the home will be off of Substation Street and a new driveway will be made for it. He has no plans to open up E. Central Street. It is too costly to do that.

Mr. Morrow clarified that no additional access will be made, and Mr. Pace will not be extending E. Central Street. Mr. Pace stated that is correct all access will be from Spartanburg Highway and no vehicles will be behind the building.

With no further comments or questions, Mr. Morrow closed the meeting at 2:06 pm.



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
 100 N. King Street ~ Hendersonville, NC ~ 28792
 Phone (828) 697-3010 ~ Fax (828) 697-6185
 www.hendersonvillenc.gov

APPLICATION FOR CONDITIONAL ZONING DISTRICT AMENDMENT
Section 7-6-3 City Zoning Ordinance

The following are required to amend a Conditional Zoning District:

- ~ This form including the property owner(s) signature(s)
- ~ Appropriate fee
- ~ 2 copies of the amended site plan.

Date 11/01/2021

Name of Project 137/139 E Central Street

Address / Location of Property 137/139 E Central Street

List 10 digit PIN or 7 digit PID Number for each property 9578-24-9310

Contact Information Billy Pace

Address 619 S Grove St

Phone 828-691-6030

Fax

Email kellielpace@gmail.com

Proposed change(s)
to Conditional
Zoning District

ADDITION OF USE:
AUTOMOTIVE PAINT & BODYWORK, & ALL
PERMITTED USES UNDER C-2

Designated Agent Billy Pace

Address 619 S Grove St

Phone 828-691-6030

Signature

Billy Pace

Official Use:

DATE RECEIVED: _____ BY _____ FEE RECEIVED \$ _____ FILE NO. _____



City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Section 5, Item E.

Proposed Conditions for the site: Buildings existing as perviously approved and built .
NO PROPOSED CONDITIONS FOR THIS SITE .

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
City's Comprehensive Plan:

C-2 CZD ZONED AREAS ON
E. CENTRAL ST. ARE USING SAME STREET
FOR ACCESS; NOT ACCESSING ANY OTHER
ZONING CLASSIFICATION

Explain compatibility with
surrounding land uses:

SAME ZONING USES ARE CONSISTENT
WITH OTHER BUSINESSES ON E. CENTRAL ST.
ALL OPERATIONAL ACTIVITIES INSIDE
BUILDINGS.

Explain whether changed
conditions require a map
amendment:

Additional uses to existing CZD, no map ammendment

Explain how the petition
is in the public interest:

Local owned auto repair shop (65 years in business)
WILL PROVIDE QUALITY SPECIALTY SERVICES, AS
IS STANDARD FOR COMMUNITY. HOURS 8AM -
5PM

MON - FRI



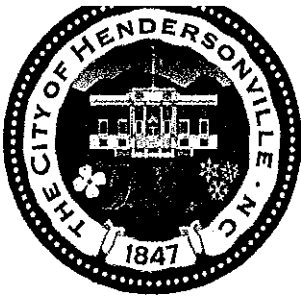
City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Section 5, Item E.

Explain whether adequate public facilities are available:	CO's approved and operational (2019&2021) on existing buildings
Explain the impact the petition would have on the natural environment:	Existing site has stormwater system approved by City Engineering <i>ALL ZONING REQUIREMENTS MET.</i>
Additional information:	

Note additional approvals prior to issuance of a 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 Community Development Department



City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Section 5, Item E.

Applicant:

Printed Name William A Pace Jr (Billy)

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

Signature X William A Pace Jr

Title Managing Partner

Email kellielpace@gmail.com

Address of Applicant 619 S Grove St, Hendersonville NC, 28792

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 _____



City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
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www.hendersonvillenc.gov

Section 5, Item E.

Property Owner:

Printed Name William A Pace Jr LLC

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

Signature William A Pace Jr

Title Managing Partner

Email kellielpace@gmail.com

Address of Property Owner 619 S Grove St, Hendersonville NC, 28792

Printed Name _____

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

Signature _____

Title _____

Email _____

Address of Property Owner _____

Printed Name _____

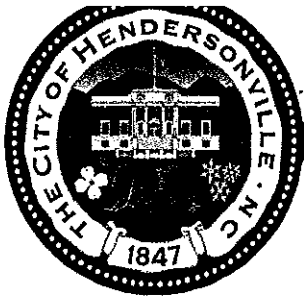
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____

Title _____

Email _____

Address of Property Owner _____



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Section 5, Item E.

Property Owner:

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

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

* 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.

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



CITY OF HENDERSONVILLE PLANNING BOARD AGENDA ITEM SUMMARY

SUBMITTER: Lew Holloway

MEETING DATE: 12/13/2021

AGENDA SECTION: PRESENTATION

DEPARTMENT: Community
Development

TITLE OF ITEM: Draft Lighting Ordinance Review – *Lew Holloway, Community Development Director*

SUGGESTED MOTION(S):

N/A – No Board Action

SUMMARY:

Staff have an updated draft Lighting ordinance to introduce to the Planning Board for discussion. The ordinance has been reviewed by the Business Advisory Committee and a dedicated subcommittee of Planning Board members. Staff will review the Model Light Ordinance from the Dark Sky project and discuss how the structure of that ordinance informed and configured the draft ordinance for the City of Hendersonville. Staff are not proposing that the Ordinance be voted on in December, but will bring the item back for review and a vote at a future Board meeting.

PROJECT/PETITIONER NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Draft Ordinance

6-19 Lighting

6-19-1 Preamble. The purpose of this Ordinance is as follows:

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

6-19-2 Lighting Zones. The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

<https://hendersonville.maps.arcgis.com/apps/webappviewer/index.html?id=14f390ce9ad843349b70cf9faa7ccae3>

A) Natural Resource Zone (NRZ): Areas where the natural environment will be adversely affected by lighting. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

- i) **Parcels within 50' of an un-piped Blue Line Stream on the most recent USGS seven-and-one-half minute quadrangle topographic maps and;**
- ii) **Parcels with elevations above 2,300'.**

B) Residential Transition Zone (RTZ): Areas where commercial and residential zoning districts abut, which require additional standards to minimize the adverse offsite impact of lighting such as light trespass, and obtrusive light.

- i) **50' from the edge of any parcel within the Commercial & Multi-Family Zone as established below which abuts parcels in R-40, R40 CZD, R-20, R-20 CZD, R-15, R-15 CZD, R-10, R10-CZD, R-6, R-6 CZD, PMH**

C) Commercial & Multi-Family Zone (CMFZ): Areas where human activity requires lighting generally designed for safety, security and/or convenience. Lighting is often uniform and continuous. Lighting may be extinguished or reduced in most areas as activity levels decline.

- i) **Application of Ordinance is associated with the following Zoning Districts; I-1, I-1 CZD, UV, C-1, C-1 CZD, C-2, C-2 CZD, C-3, C-3 CZD PMD, PCD, C-4, C-4 CZD, PRD, CMU, CMU CZD, HMU, HMU CZD, GHMU, GHMU CZD, CHMU, CHMU CZD, UR, RCT, RCT CZD, PID, MIC, MIC CZD**

6-19-3 General Requirements.

A) Conformance with All Applicable Codes

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

B) Applicability

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

i) **Exemptions from 6-19-3 (b)** The following are not regulated by this Ordinance:

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

ii) **Exceptions to 6-19-3 (b)** All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

- (a) Lighting specified or identified in a specific use permit.
- (b) Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C) Lighting Control Requirements

i) **Automatic Switching Requirements**

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

(a) **Exceptions**

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

1. Lighting under canopies.

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

6-19-4 Lighting Standards. For all commercial properties, and for residential properties of nine dwellings or more (single family or multi-family) and having common outdoor areas, all outdoor lighting shall comply with Part A of this section.

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

(1) Total Site Lumen Limit

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

Table A		
Natural Resource Zone (NRZ)	Residential Transition Zone (RTZ)	Commercial & Multi-Family Zone (CMFZ)
350 lumens per parking space	840 lumens per parking space	840 lumens per parking space

Table B		
Natural Resource Zone (NRZ)	Residential Transition Zone (RTZ)	Commercial & Multi-Family Zone (CMFZ)
Base Allowance		
0.5 lumensper SF of Hardscape	5.0 lumensper SF of Hardscape	5.0 lumensper SF of Hardscape

- (2) Limits to Off Site Impacts.**
- (a) All luminaires shall be rated and installed according to Table C.

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

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

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

(3) Light Shielding for Parking Lot Illumination

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

(4) Exception

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

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

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

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

6-19-6 Lighting by Special Permit Only**A) High Intensity and Special Purpose Lighting**

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

B) Complex and Non-Conforming Uses

- i) Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:
 - (1) Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
 - (2) Construction lighting.
 - (3) Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
 - (4) Parking structures.
 - (5) Urban parks
 - (6) Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
 - (7) Theme and amusement parks.
 - (8) Correctional facilities.
- ii) To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

- (1) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.
 - (2) Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit.
 - (3) Complies with the Performance Method after Curfew.
- iii) The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass

6-19-7 Existing Lighting. Lighting installed prior to the effective date of this ordinance shall comply with the following:

A) Nonconforming Lighting

- i) Lighting not permitted in the light zone classification in which it is located shall be considered non-conforming and may continue to be used only in accordance with the provisions of this section.
- ii) Any new lighting shall meet the requirements of this ordinance
- iii) Normal repair and maintenance may be performed to allow the continuation of nonconforming lighting existing as of the effective date of this ordinance, provided that any modification or replacement of existing fixtures does not exceed 25% of total site fixtures during any 12-month period.
- iv) Minor repairs to and routine maintenance of land, buildings, structures, or other development of land where nonconforming lighting is utilized is permitted, provided the cost of such repairs and maintenance within any 12-month period does not exceed 10% of the current assessed taxable value of the land (including parking areas), buildings, and structures. When repairs exceed 10% of the current assessed taxable value of the land (including parking areas), building, and structures, all nonconforming lighting must be brought into compliance with the provisions of this Ordinance. (How does this align with our current standard for compliance with things like the landscape requirements?)
- v) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the expansion or addition does not exceed a 25% increase in dwelling units, gross floor area, seating capacity or parking spaces, either with a single addition/expansion or with cumulative additions after the effective date of this Ordinance. Expansions or additions exceeding 25% shall require the entire property/development to be brought into conformance with this Ordinance. (How does this align with our current standard for compliance with things like the landscape requirements?)
- vi) Where nonconforming lighting ceases for 180 consecutive days, then the use of the lighting shall not be re-established or resumed, and all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs. Vacancy and non-use of the building, structure, or parking area, regardless of the intent of the owner, shall constitute discontinuance under this provision.

16-19-8 Enforcement and Penalties

- 1) Reserved

16-19-9 Tables

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

NRZ	RTZ	CMFZ
350 lms/space	840 lms/space	840 lms/space

- 2) Table B - Allowed Total Initial Lumens per Site for Non- residential Outdoor Lighting, Hardscape Area Method
- a) May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

NRZ	RTZ	CMFZ
Base Allowance		
0.5 lumensper SF of Hardscape	5.0 lumensper SF of Hardscape	5.0 lumensper SF of Hardscape

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

	NRZ	RTZ	CMFZ
Additional allowances for sales and service facilities. No more than two additional allowances per site.			
Outdoor Sales Lots. This allowance is lumens per square foot of un-covered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	8 lumensper squarefoot	16 lumensper squarefoot

Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	1,000 perLF	1,500 perLF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fchoriz)	16,000 lumens per pump (based on 10 fchoriz)

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

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

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

5) Table C - 2 Maximum Allowable Uplight (BUG) Ratings – Continued

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

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

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

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

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

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

Definitions to be added to the Section 12-2

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

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

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

<i>New lighting</i>	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
<i>Object</i>	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
<i>Object Height</i>	The highest point of an entity, but shall not include antennas or similar structures.
<i>Ornamental lighting</i>	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.
<i>Ornamental Street Lighting</i>	A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics: • designed to mount on a pole using an arm, pendant, or vertical tenon; • opaque or translucent top and/or sides; • an optical aperture that is either open or enclosed with a flat, sag or drop lens; • mounted in a fixed position; and • with its photometric output measured using Type C photometry per IESNA LM-75-01.
<i>Outdoor Lighting</i>	Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
<i>Partly shielded luminaire</i>	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.
<i>Pedestrian Hardscape</i>	Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.
<i>Photoelectric Switch</i>	A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.
<i>Property line</i>	The edges of the legally-defined extent of privately owned property.
<i>Property line of concern</i>	The nearest property line to a light fixture

<i>Relative photometry</i>	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
<i>Repair(s)</i>	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on- going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.
<i>Replacement Lighting</i>	Lighting installed specifically to replace exist- ing lighting that is sufficiently broken to be beyond repair.
<i>Sales area</i>	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
<i>Seasonal lighting</i>	Temporary lighting installed and operated in connection with holidays or traditions.
<i>Shielded Directional Luminaire</i>	A luminaire that includes an adjustable mount- ing device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
<i>Sign</i>	Advertising, directional or other outdoor promotional display of art, words and/or pictures.
<i>Sky Glow</i>	The brightening of the nighttime sky that results from scattering and reflection of artifi- cial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky
<i>Temporary lighting</i>	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
<i>Third Party</i>	A party contracted to provide lighting, such as a utility company.
<i>Time Switch</i>	An automatic lighting control device that switches lights according to time of day.
<i>Translucent</i>	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
<i>Unshielded Luminaire</i>	A luminaire capable of emitting light in any direction including downwards.
<i>Uplight</i>	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

<i>Vertical Illuminance</i>	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
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