



CITY OF HENDERSONVILLE PLANNING BOARD REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, March 14, 2024 – 4:00 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - A. Minutes of February 8, 2024
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - A. Rezoning: Conditional Zoning District – The Lofts at Chadwick (P24-04-CZD) – *Tyler Morrow–Planner II*
 - B. Rezoning: Conditional Zoning District – Kid City USA (P23-066-CZD) – *Lew Holloway–Community Development Director*
 - C. Administrative Review: Preliminary Site Plan– Living Savior Church (A24-02-SPR) – *Tyler Morrow – Planner II*
 - D. Zoning Text Amendment: Updates to Childcare Home and Child Care Center (P23-99-ZTA) – *Matthew Manley, Strategic Projects Manager*
6. **OTHER BUSINESS**
7. **ADJOURNMENT**

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

Minutes of the Planning Board Regular Meeting - Electronic February 8, 2024

Members Present: Jim Robertson (Chair), Peter Hanley, Beth Robertson, Laura Flores, Donna Waters, Tamara Peacock, Yolanda Robinson

Members Absent: Barbara Cromar

Staff Present: Tyler Morrow, Planner II, Matthew Manley, Strategic Projects Manager, Lew Holloway, Community Development Director

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

II Approval of Agenda. Chair explained that the agenda has changed since it was first published. The agenda items for the definitions and the childcare home have been removed from the agenda since these items were assigned to Ms. Hunt and she is no longer with us as she has taken another position. Chair also added the item of approval of the meeting dates for a sub-committee with a time change for that meeting from 2:30 pm to 3:00 pm. **Mr. Hanley moved to approve the amended agenda. The motion was seconded by Ms. Robinson and passed unanimously.**

III Approval of Minutes for the meeting of January 11, 2024. *Ms. Waters moved to approve the Planning Board minutes of the meeting of January 11, 2024. The motion was seconded by Mr. Hanley and passed unanimously.*

IV Old Business

V New Business

V(A) Administrative Review- Preliminary Site Plan – Estrada and Sons Expansion (P23-32-SPR). Mr. Morrow gave the following background:

This is a preliminary site plan approval for the Estrada and Sons Expansion. Since administrative projects do not come before the Board that often Mr. Morrow wanted to explain the process. Mr. Morrow stated this is an administrative review and the term administrative is defined as decisions made in the implementation, administration or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards in the Zoning Ordinance.

Mr. Morrow stated preliminary plan review is required of all development undergoing Site Plan Review for the following: **Any commercial, industrial or institutional development consisting of more than 20,000 square feet of floor area.** Planning Board must administratively review the preliminary site plan to ensure compliance with the zoning ordinance. Approval of a preliminary site plan **shall not** entitle the applicant to the issuance of a zoning compliance permit. The developer will be required to submit final site plan to staff for review.

The property is located 620 Duncan Hill Road with PIN 9579-05-1268. The application was submitted by Salvador Estrada of Estrada and Sons. The existing zoning is C-3, Highway Business and there is an existing wholesale business on this site. The property is approximately 1.82 acres.

The current land use map was shown and is included in the staff report and the presentation.

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

The preliminary site plan was shown and included in the presentation and the staff report. Mr. Morrow explained the site plan including size, height, landscaping and parking on the site.

Mr. Morrow stated based on the review by staff, the submitted preliminary site plan for the Estrada & Sons Expansion Project meets the Zoning Ordinance standards established for commercial projects within the C-3 Highway Business District and Preliminary Site Plan Review (Section 7-3-3.2).

Chair asked if there were any questions for staff.

There were no questions for staff.

Discussion was made on the buffer at the church. Mr. Morrow stated they would be required to plant along this boundary.

Ms. Waters moved the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-8 C-3 Highway Business and 7-3-3 Review of Preliminary Site Plans) finding that the Estrada and Sons Expansion project is compliant with all applicable requirements. Mr. Hanley seconded the motion which passed unanimously.

V(B) Zoning Map Amendment– Standard Rezoning – Upward Road-Spinx (P24-07-RZO). Mr. Manley gave the following background:

The City of Hendersonville received an annexation application for a group of parcels. The Certificate of Sufficiency was approved at the last City Council meeting and the final approval will come at the March City Council meeting. Whenever property has been annexed into the city, zoning has to be assigned to it. Currently these properties are owned by the Jones family but the Spinx Company is the anticipated owner. It is possible that they took ownership today but Mr. Manley was unsure if that happened. The properties are zoned along Upward Road and Old Spartanburg Road Henderson County Community Commercial. The rear property facing Bell Avenue is zoned by the county as R1. Staff is recommending that the properties along Upward Road and Old Spartanburg Road be CHMU like other properties that have been annexed in the area and the one parcel on Bell Avenue would be zoned R-6. It is designated as High Intensity Neighborhood according to the Future Land Use Map.

The current zoning was discussed and a map is included in the staff report and presentation.

A use comparison table was included in the staff report and presentation.

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

The City's Future Land Use Map was shown and deemed the subject properties as High Intensity Neighborhood. This is included in the staff report and presentation. Discussion was made on the different designations in the area.

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

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

A draft consistency statement is included in the staff report.

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

Mr. Manley stated there was a change in the motion. That has been sent to the Board members and that change is also reflected in the presentation.

Chair asked if there were any questions for staff.

Ms. Peacock asked if the new site plan if it is a fairly commercial use will they still be able to use the R-6 parcel for parking, a driveway or put cars there. Mr. Manley stated it would not be able to be used for any commercial use. Ms. Peacock asked if a parking lot could go there. Mr. Manley stated a parking lot is a use but it is not a permitted use in the R-6 zoning district.

Mr. Manley explained that an annexation petition has come up and the city is required to zone it, so the question now is what is the most appropriate zoning for the parcels that have been petitioned. That is the extent of the question before the Planning Board. Staff's recommendation is CHMU for the ones that have the frontage and R-6 (a residential district), for the property that fronts Bell Avenue.

Chair stated could a driveway or access go on the R-6 zoned lot. Mr. Manley stated that use would not be permitted on a residential lot. They would have to rezone that property.

Mr. Manley explained that the city is required to zone an annexed property within 60 days of the annexation. He explained that staff is making a recommendation on what the zoning should be and not the applicant for the annexation. The Planning Board can follow that recommendation or make another recommendation to City Council. If the annexation is approved the approved zoning would be applied. Staff made a revision to the rezoning for the one parcel that fronts on Bell Avenue.

Ms. Waters asked if the annexation is approved it would include that single lot. Mr. Manley stated yes, that is what the petition includes and is what they are requesting. They would have to change their petition to remove that single parcel.

Discussion was made about this being a single parcel that juts out from the rest of them. Ms. Peacock thought maybe they wanted to use it for parking. Mr. Manley stated there has been some discussion on that but the question before the Planning Board today is if those six parcels are annexed what would the appropriate zoning be for them.

Chair asked if it was typical for the annexation and rezoning to be concurrent. Mr. Manley stated it was typical.

Chair discussed the annexation and the rezoning and having the text amendment for the Tree Ordinance on the agenda and how all this works out. Because of the timing would they be grandfathered. Lew Holloway, Community Development Director stated you don't get grandfathered until you have entitlements. Zoning is not an entitlement. If they wanted to build something on the parcel, they would have to submit an application once that application has been submitted, then they have an entitlement to proceed under the ordinance and the laws of the city that are in place at the time of their application. There is no application for development associated with this. If we adopt a tree ordinance next month and zone this parcel and it gets annexed and three weeks later they submit an application then they would be subjected to whatever is in our ordinance at that time.

Chair stated he knows when they have a rezoning application they are not to discuss the use but Spinx was mentioned and Spinx has a lot of lighting and there is a neighborhood right behind this property but we have a lighting ordinance, correct? Mr. Manley stated yes. Chair stated they could not bleed more than half a candle foot of light onto a residential area. Mr. Manley stated commercial to residential he believes it is half a foot candle or one foot candle. Mr. Manley stated staff would review that. They would have to submit a lighting plan which would be reviewed by staff for compliance.

Ms. Waters asked if Spinx could make these parcels one single parcel. Mr. Manley stated they could do a recombination. Ms. Waters asked so the parcel facing Bell Avenue would be part of the large parcel and whole parcel would have to have the same zoning. Mr. Manley stated you could have split zoning. Zoning district lines are not parcel lines. Ms. Waters asked so you could have split zoning. Mr. Manley stated yes, they don't like it and it makes things complicated but it is legal technically and it happens. Mr. Manley stated if it was recombined and the property was split zoned, the portion that is zoned residential would still have to abide by the restriction in the residential zoning.

Mr. Holloway stated what Ms. Waters is getting at is how would this apply to the site plan. If most of the parcel is zoned CHMU but there is a part that is R-6 then it would have to come back to the Planning Board for it to be rezoned if they wanted to put a driveway or parking lot there. It doesn't matter that the recombination happens, the zoning ordinance requirements would still stay in place and that portion of the property that fronts Bell Avenue would be regulated as residential.

There were no further questions for staff.

Chair asked if the applicant was here. Mr. Manley stated the city is the applicant on this one.

Chair opened the meeting for public comment.

Jay Marlowe stated he owns the parcel immediately to the northeast on Bell Avenue and he is glad to see that a lot of you share his concerns about the Bell Avenue parcel. He is opposed to the rezoning of that to a commercial use. He is ok with it being rezoned to residential. He did submit public comments and he hopes the Board took time to read those. He thinks for several reasons that lot's highest and best use is residential. He is a real estate agent and appraiser. It is a prime lot for an affordable house in Hendersonville or East Flat Rock which everyone knows the market really needs. He has two affordable rental properties that adjoin this so his concern is anything on that lot that would make his affordable rental units unusable.

Lynne Williams, Chadwick Avenue asked if there would be a NCM on this. Mr. Manley stated no. Chair stated they are not taking questions, this is public comment. She asked for a NCM so that you could allow the neighbors to find out what is going on and ask questions. She stated she saw great value in doing the annexation and then the rezoning and have two separate meetings. She stated she didn't know the differences in R-6 and R1. She expressed the same concern about the vegetative buffer and protecting the trees. Open space is incredibly important. She stated 60% of open space is what this property is to preserve so she looks at it as 60% is protected. What can they do to make sure 60% of this property maintains protection. She mentioned the impacts to Chadwick Avenue and Greenville Highway concerning proposed development. She talked about maintaining the character of the different regions. Upward is one of the areas that has more of a rural vibe. She discussed Bo Thomas standing up and spoke about the widening of Upward Road. She talked about the property that had the donkey on it and was glad this is not the property being rezoned but she is worried that may happen next. She asked what is the character of Upward Road and how do we want it to look as it expands. She stated it was important that this project be under any tree ordinance that passes. She talked about this being a Farm City. She talked about there being nine development proposals according to Mr. Manley and she is worried about nine more. She was concerned about development and how you plan in the Upward Road area. She stated they can put

conditions on this and talked about trees and preserving them and preserving the open space. She asked that they slow this process down while planning for the 2045 Comp Plan. She stated she doesn't think they need another gas station.

Mr. Marlowe stated the bamboo grove on the property is entirely on this property and they could cut it down and the residents would lose their buffer.

Chair closed public comment.

Chair stated a NCM is not required for a rezoning but what kind of notifications are required. Mr. Manley stated letters go out to everyone within 400 feet, a sign is posted on the property and it is published in the newspaper. Discussion was made on neighbors within 400 feet being notified whether they live in the city or county.

Discussion was made on the R1 and R-6 zoning being compatible. Mr. Manley stated the R1 zoning would permit mobile homes and the R-6 zoning would not. Mr. Manley was not sure on the density requirements for the R1 district.

Chair asked what the open space requirement was for the CHMU zoning district. Mr. Holloway stated open space depends in CHMU on whether it is commercial or residential. If it is commercial it is 30% and if it is residential it depends on the density. If it is eight units per acre it is 40%, ten units is 50% and twelve units is 60%. As the density increases the open space requirement increases.

Chair asked if you can place conditions on a rezoning. Mr. Holloway stated no, there is no site plan associated with rezonings.

Chair asked if there were buffering requirements between residential and CHMU. Mr. Holloway stated yes.

The Board had discussion on the rezoning. They discussed buffering and lighting and stormwater.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PINs: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416 from Henderson County CC, Community Commercial to City of Hendersonville CHMU (Commercial Highway Mixed Use) and PIN 9577-89-8138 from County R1, Residential 1 to City R-6, High Density Residential based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning. 2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area. 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area. 3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan. Ms. Flores seconded the motion which passed unanimously.

V(C) Zoning Text Amendment – Tree Canopy Preservation and Enhancement (P24-08-ZTA). Daniel Heyman, Staff Attorney gave the following background:

Mr. Heyman stated the Tree Ordinance Provision Committee was appointed by City Council last April. Mr. Heyman went over the Tree Canopy Preservation Ordinance as proposed. This came from a

recommendation from our Tree Board. The purpose was to study and recommend ordinance provisions related to the preservation of tree canopy within the City of Hendersonville. Mr. Heyman went over the people that were involved in the discussions for this. Mr. Heyman explained the time line.

Mr. Heyman gave a full background and explanation of the proposed Tree Canopy Preservation Ordinance.

Mr. Heyman went over the landscaping requirement that currently exist and the changes that have been made.

Mr. Heyman went over the new requirements.

A copy of the draft ordinance was included in the staff report and presentation.

Mr. Holloway gave a zoning text amendment presentation concerning Tree Canopy Preservation and Enhancement. The petition proposes to establish Tree Canopy Protection Standards for a certain scale of new development and enhances the requirements of the Buffering, Screening and Landscaping Standards of the Zoning Ordinance in favor of enhanced tree planting requirements for certain types of new development.

Mr. Holloway went over the staff recommendations which are included in the staff report and presentation and explained them.

Mr. Holloway stated the Legislative Committee reviewed this on January 16th. Three members of the committee reviewed this along with Mr. Manley. There were a number of recommendations or points of discussion that came up during that meeting. Species List should be referred to and staff is also making that recommendation. The three year hold was discussed and Mr. Heyman can clarify that. Clarify language for newly planted "canopy trees", that they will be 50 feet at maturity. The recommendation or request for illustrations for street trees. Requiring street trees between streets and sidewalks. This was discussed with the Public Works staff. He discussed this recommendation for redevelopment and for new development. Mr. Holloway stated the Subdivision Ordinance does not address street trees. They did not talk as much on the rain gardens or water infiltration requirements. All of these recommendations are included in the staff report.

Comp Plan Consistency Goals and Strategies are included in the staff report. Mr. Holloway went over these.

A draft consistency statement is included in the staff report.

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

Chair asked if there were any questions for staff.

Ms. Peacock asked if there would be a staff person that would review these plans. Mr. Holloway stated this would be reviewed as a component of current planning. It would be something that the Community Development Division would review. Ms. Peacock asked if there would be a landscape architect or someone qualified to review these. Mr. Holloway stated the way the ordinance is set up we will be using the GIS tool to determine what the canopy of any given parcel is. Using the GIS tool, whether the developer submits a plan or they submit a plan with a tree line and aren't sure what the tree canopy percentage is in which case they would go to the GIS tool and click on that impacted parcel it would tell them 30% of this parcel is covered in tree canopy and staff would use that information to review the proposed project. Ms. Peacock stated she just feels strongly that they should have someone that is qualified in reviewing the plans because if we are asking them to do this as part of their landscape

submittal then the people proposing the development, they are going to have a highly qualified person submitting and if we are not going to have a Tree Board anymore and just staff she wants to make sure whoever is reviewing it is knowledgeable enough to make good comments on it. Not just with the canopy but with the street trees. Mr. Holloway stated that is the work we do in terms of current planning review so the planners in the department whether it is himself, Tyler or Matt or other future planners they may hire, that is what they are doing. They are reviewing the Zoning Ordinance confirming that the plans that have been submitted are meeting the standards of that ordinance and providing assessments and comments on whether or not it is compliant. In terms of the Tree Board piece of that, they have, many of the comments we get are around which trees are we preserving. Staff has worked to make sure the submittals that we are receiving are providing that information. We think by going to the canopy approach, we are going to achieve that goal. He believes that is the belief of the Tree Ordinance Revision Committee. He does feel like staff is qualified to review the plans and with the tool the GIS department has developed he feels they can provide that review level in the community. Currently the Tree Board reviews conditional rezoning and these standards will apply to a much wider variety of site plan review for the city. CZD's are only a portion of staff's time, there are a number of current planning projects that staff is reviewing at any given time and these standards would apply to all of them.

Mr. Holloway stated a big part of the site plan review process is our Development Review Committee, which is staff from throughout the city that with the planning staff, reviews all of the site plans which includes Mike Huffman with stormwater, Brendan Shanahan our Engineer and City Floodplain Manager, Mark Stierwalt who is the Public Works Superintendent, who is the liaison to the Tree Board. He stated it would be nontypical to have a licensed Landscape Architect on staff but it does happen. There is a comprehensive review of site plans which includes planners and beyond.

Chair stated when you enter the city it has a sign that says Tree City USA, does that relate to the canopy. Mr. Holloway stated Glenn can answer that question better than he can. Glenn was on the Tree Revision Committee. Chair asked about the Tree City USA sign and why they get that? Mr. Lange stated the requirements for a Tree City USA are minimal. You have to have a Tree Ordinance (we have one), you have to have an Arbor Day ceremony and they have to have a review of all of the things the city does in terms of planting trees on public properties. They review all of that and the city has gotten several awards from the Tree City group because we keep improving how we are handling trees in the city. Particularly on public property. This is the first round on talking about how our tree canopy might be better preserved and improved on through development conditions. That is primarily what is being proposed here with the code changes that you have seen. It doesn't have a lot to do with Tree City but they could get another award from it. It will help their standing with the Tree City USA folks.

Chair asked if the Tree Board is not going to review CZD's anymore according to the recommendation, what is the role of the Tree Board at that point then. Mr. Holloway stated the Tree Board has a lot of other responsibilities that are established in the Code of Ordinances.

Chair stated 160D, a state statute, does it allow for a penalty of up to three years and if it is willful up to five years, does it allow for it or is it enforceable now without putting it into our ordinance. Mr. Heyman stated there is limited preemption in 160D for us regulating forestry activity and there is some detail to that, what is forestry activity. But you can do that in a city in North Carolina and we can't necessarily regulate it except that we can tell you that you cannot chop down all of your trees and then get a development approval saying I don't have any canopy. We don't have a requirement that you preserve canopy right now so there is nothing to hold up a development approval and that they would meet the requirements if they chopped down all the trees right now. We are authorized to adopt that regulation but they wouldn't be violating anything. They would meet the requirements of getting a permit if they did that today. They can regulate forestry activity in that way we can say that we can delay your development approval for up to three years or five if it is in willful violation of our ordinance. There are other remedies. Cutting down the trees may be a violation that you might be liable for civil penalties and we might take you to court and get an injunction

for an order for you to plant new trees. There is all kinds of things that we might be able to do. In his experience it would be very atypical for a developer to purchase property and hold on to it for three years so they don't have to preserve canopy. He doesn't know that anyone wants to tie up their capital. Chair felt like it needs to be in our ordinance because it is not covered by a state statute. Mr. Heyman stated sometimes they do not want to repeat state law but sometimes it makes sense to draw people's attention to things like that so that it is obvious to them. He tried to make it clear in the draft that it is in addition to any other remedy that we have available.

Chair opened public comment and stated it would be limited to three minutes.

Ken Fitch (Zoom), 1046 Patton Street stated he thinks the elimination of the Tree Board from the process is disastrous. He thinks it is a rejection of all the work they have been doing because they consider the ecosystem issues in a project, what are the appropriate trees to plant where and they will provide the information that is biological and also cultural because sometimes you talk about important trees that are meaningful to a site. To take them out of it you have danger of having uninformed decisions based upon what looks good on a map but not in terms of the character of the site. The character of the landscape is a very important consideration. The idea of heritage trees has been part of this. You have this provision of a fee in lieu by the City Manager and that is not fair or sensible because sometimes there are certain things that have to do with the relationship of the trees and the environment and the ecosystem. What about bamboo? We have seen two projects that bamboo was there. If you took the bamboo out then what would you have? And what would replace it? That is a very dense buffer. You would end up with a buffer that is not as effective. You have decisions that the Tree Board would make like what is functional on a site that needs to be saved. He was concerned about street trees and what can be planted in the area between the sidewalk and the street. It is a complex question. There are all kinds of questions and you need people with the experience and understanding to say this is the way you should do it. He discussed infill and managing those sites. He thinks it is a disastrous thing.

Lynne Williams, Chadwick Avenue stated she needed some flexibility as she is speaking for another person that is at work and on the zoom call but cannot speak. She has been working on a tree ordinance and asking for one since 2020. We have seen the loss of trees, 350 at the Greenville Highway that is going to happen, the Duncan Hill is going to happen, over at the Thomas farm that is going to happen and this is too late. It was needed 20 years ago. She wanted to mention there was no public comment allowed through the entire process. So this the first time they have been able to speak on it at all and so three minutes is very challenging. She did go to the meetings but they were unable to comment. She stated one of the members had told her specifically that they were against the tree ordinance. She did not understand putting people that were against the ordinance on the committee. The new ordinance does not apply to tracts under two acres and that is a huge concern for her. Just on Chadwick they have multiple places that are less than two acres. The need for the tree study with the species and size is incredibly important. She talked about having a tree inventory and how we aren't looking at every bird and every squirrel and we are completing disassociating from that. The Tree Board are really the first people on site to take a look and say what do we have here that is worth saving. She appreciates the buffer for the higher residential, from the higher residential to the lower. That is super important. The landscaping for common space is also incredibly important. The street trees for the sidewalks is really important for us. We need to be really thoughtful about how to conserve the trees. That is another reason the Tree Board could be very helpful here, we need that guidance. The tier one must conserve 20% of the space and when she first came to the meeting she thought they proposed 50%. They went back from 50% to 20% and she asked if this Board could push 25% and if we could go to 35% that would be great. She is concerned about the no fee in lieu of. There will be no public feedback when that happens or oversight. Especially when we leave it to the City Manager for an administrative review. This type of stuff leads to economic and environmental injustice for low income areas, less trees. She thinks it is important to keep the Tree Board in the CZD process. Exemptions for the one acre or less or the total tree canopy of 7/8th of an acre, that is not good enough. They need it completely across the board for every piece of property. She had concerns about subdividing

properties. She discussed the climate change, butterflies in Mexico and what is happening to the environment. Longer than a three year hold is required. When you look at lots like 1202 Greenville Highway, it was fully wooded and already what we approved there fit within the ordinance but this wouldn't have changed anything or saved anything. She thinks it is important for us to look at lots that have no trees compared to lots that have lots of trees and maybe rate the level of naturalness and decide how we will regulate that. Culturally it is important for our community to have trees. This allows for developers to come from out of town and destroy our canopy. She is 100% for the tree ordinance it needs more teeth and more oversight. She was concerned about some of the conflict of interest on the Boards. She stated there was one comment that there was no tree arborist on the committee. She talked about having access to the GIS overlay.

Glenn Lange 623 Ferncliff stated he is on the Tree Board and we initiated this process and are really fortunate that the Council created the Tree Ordinance Revision Committee. We impressed on them the need for protecting more trees, improving the tree canopy, increase planting where we can, and they are appreciative of allowing this process to get to this point. Things went pretty smoothly on the Tree Ordinance Committee. We did have representation from builders. They had three on the committee to represent business interest. The proposed changes that you see were largely consensus driven on this Tree Ordinance Committee. There wasn't a lot of dissention. What you see here is largely by consensus from this group. It wasn't just the Tree Board talking about tree canopy. He wanted to talk about the concern they have and the fact that we are losing tree canopy. The tree assessment that you will hear something about or get more involved with once it is presented to the Council and there will be a lot of information that you can go through to look at tree canopy by zoning district and a lot of other formulations you can use such as the GIS system to determine tree canopy. Keep in mind that even with our tree preservation protections we are still going to lose if the site is completely wooded, we are going to continue to lose 70% right off the bat. This is good, this is a great start and we will protect more trees this way but it will not by itself improve our tree canopy. The tree assessment is 2% lower than what it was the last time the assessment was done. That only includes up until the beginning of 2022. Just look at all the development that you guys have been involved with and all the tree canopy that has been removed since that time. Even though the tree assessment showed 144 acres or about 30,000 trees that's been removed. And so just since the beginning of a year and half ago we calculate just reviewing the CZD permits that the Tree Board gets to look at, we lost another 40 acres. Going down the pike with more and more development we will continue to lose tree canopy. He encourages you to support what we have because he feels it is a start with the new plantings for sites that do not have trees. There will be additional tree planting requirements for developments developing in an open field. The Tree Board and probably the staff probably diverge in terms of the review process that the Tree Board has the ability to do currently with CZD permits. We would like to maintain that. Because there are a lot of situations when talking to developers that we can make some impact on realizing they are just suggestions and recommendations. And it is recommendations to the Planning Board that you see from the Tree Board and we have been able to somewhat adjust their landscape plans to make it more beneficial to save more trees or protect some wildlife habitat and protect corridors for wildlife habitat. They would like to maintain that review and continue to be included in that review process. That is their addition from what you have heard tonight from staff.

Susan Frady, 330 Hart Road stated she thinks what Glenn said was true. She thinks Lew's change to two acres if it makes it more compatible concerning enforcement, it is a good change. She thinks it will make it easier on the staff. As far as reviewing the plans, a landscape architect likely on most projects is going to prepare that plan. As far as some of the things Ken said about what type trees (right tree, right place), a landscape architect is going to know that. When she was doing this job, for developers and the review process, if the staff can review that it is going to make it a better process because right now going to the Tree Board adds another layer of process and it doesn't really change the ordinance requirements. You are enforcing what the ordinance says so if it meets the requirements of the ordinance then they have complied. The Tree Board just really adds another level of review, it adds more time to the process but not

a lot of outcome from that. You can only enforce the ordinance that you adopt. You can't enforce anything that is not in that ordinance.

Ms. Flores asked about the Tree Board's role if you flush that out. Mr. Holloway stated right now in the Zoning Ordinance as part of the development review has a reference in the CZD review process, it's one line that says the Tree Board may review planting plants and over time that has developed into, we worked with the Tree Board to integrate that into the CZD review process. We have a deadline with requirements for the CZD submittal and once we receive that submittal it gets packaged with the plantings and sent to the Tree Board and they review that as part of their review process. Staff is reviewing those site plans to make sure it meets the standards of the Zoning Ordinance. Conditional zoning does allow a little bit more freedom in the sense that a condition can be proposed but as you know any condition has to be agreed upon by the developer and the city. What staff is doing now is formalizing some of the regular requests that the conditional zoning process and the Tree Board review has generated. The Tree Board does have other things they do but the Tree Ordinance Revision Committee was put in place to come up with standards to adopt and put in place. The proposal, and this was discussed in the Tree Revision Committee, the discussion of the Tree Board no longer being part of the CZD process, it would just remove that review from the CZD process but all the standards that would be adopted as part of the tree ordinance would be enforced. Glenn has expressed wanting to continue to be involved in some level of review. For us, and he is being straightforward, that layer of process and that layer of review that goes into the CZD process is a challenging administrative task. It just takes a lot of time and energy, there is a lot of time to make sure we have our staff reports ready to go and it takes away time from other things. Adopt new standards and staff will make sure that those standards do apply. He has talked about doing a review with the Tree Board on a regular basis and there are other things they can do. He feels the Tree Board is interested in providing comments and feedback on the CZD's. One of the major impacts to the ordinance adoption that is not being touched at all right now is that CZD's are a portion of the development that we review. It is currently the only review that the Tree Board provides. The ordinance adoption will apply these new standards for development across the board and not just CZD's. It is a significant change in terms of the requirements in the city and a couple of the things like removing the Tree Board process, the canopy measure instead of requiring a survey with dbh relieves a little pressure from the development community in exchange for requiring more plantings and more tree preservation. Those are some of the tradeoffs that has been discussed and massaged to the point that you are seeing them today. Ms. Flores asked so the Tree Board is not going away. Mr. Holloway stated no, not at all.

Lynne Williams stated she does hear that it is going to make it easier for staff but on behalf of the public and the Tree Board she wants to say please keep the Tree Board on because the Tree Board helps us negotiate on the CZD's because a lot of the time developers come in and want a lot of stuff and we do get a little bit of negotiation there. To Ms. Frady's point about the oversight well if you get rid of all of that and have the requirements for all parcels then it will get rid of any oversight.

Mary Davis, 317 N. Justice Street stated she is on the Tree Board and the Tree Ordinance Committee. She stated the Tree Board is in charge of designating heritage trees, they do the neighborwoods program, and have planted hundreds of trees, they are starting in May a Bradford Pear bounty so if you have a Bradford Pear and have to cut it down they will give you a free tree. She wanted to make a comment about the canopy loss which looks like it is 2% which is 2% but depending on areas it is more. She would encourage you to look at that study and see where we have lost trees to help in the planning process going forward. We really need a planting strategy and we really need a goal of canopy percentage in Hendersonville and for City Council to make a goal of the percentage and put that in writing. She would like to see us increase our canopy here by at least 20% in so many years. She talked about being part of Tree Charlotte and discussed their program and how they generated trees. The planting requirement is very important.

Janet Thew, 6 Ridgebourne in Flat Rock stated she was a member of the Tree Board and is currently the Chair. She was not involved with the tree ordinance but she was a Planning Commissioner for 10 years. She did help write a tree ordinance with an arborist so she is disappointed that an arborist was not on this committee. She feels that would have been very helpful. In her experience developers do not want any regulations and they want no restrictions. So it is up to you and the City Council to place the welfare of the community in the forefront rather than giving the developers what they demand. She hopes they will stand strong for a really good tree ordinance with teeth. She is disappointed in the small acreage exemption. She is guessing that a large number of parcels are on the smaller side and with an exemption of all single family to her that is a pretty big loophole. She thinks quite a bit of canopy will be lost just with that. If everything else can remain strong and actually preserve as much as possible and with the plantings that will maybe inch it up but she is afraid they are never going to get to a high percentage.

Chair closed public comment.

Ms. Peacock stated she feels like the landscape architect the development companies bring in are not necessarily working in the community interest. A lot of them are good hearted people and they try to straddle it but at the end of the day they are being paid by the developer. She thinks we need to be serious about the review of what they bring in because she has been on many job sites where she gets told "oh there are none of those trees available, they have some disease and we can't get those, we can only get these trees." And it is not even truthful. Or some will stack construction stuff around trees and they will die and they will say there were those big black ants in that tree, when they probably went and got the ants and put them in there. She just feels like if we go forward with this we need to put a person reviewing it and she does appreciate what the Tree Board does but when we are trying to get these big developments approved time is everything and when you have the hold up of another board meeting it is really costly to the developer. She thinks it is efficient to have staff review it and she thinks running by you guys is probably going to be great. You can always get feedback even though it is not a formal meeting. What she sees happening in other cities because she works in all parts of the country is that sometimes the developer can pay an extra fee when they do their site plan application to have a private reviewer so you can contract with a landscape architect that maybe owns his own business in town and then the drawings go to him or her for review and you get the comments back super-fast and the developer could actually pay for that landscape architect to review it. She is thinking that if we could introduce that window to people as an option because then you get really educated comments that are about specific species and that person would have the ability to interpret the code for that specific site. She is for the tree ordinance.

Chair stated he sees three things that they need to make some kind of decision on tonight. Whether the CZD review process is going to continue happening by the Tree Board, whether we are going to change the two acre overall to one acre of disturbance, the three year/five year thing he thinks needs to be in our ordinance. He knows it is a state statute. He feels like just because the state allows for it that if we put it in our ordinance then we will have it there. He does like the option of the developer getting a professional to review it. Ms. Peacock stated it would need to be a professional they contract with the city to do private plan review. Because it is a lot of work for staff and you do not really have a staff person here to do it. By drafting this ordinance you are going to have more plans to look at than you ever had before.

Mr. Holloway stated concerning the private reviewer, he has heard of that before, we are not backed up so far in terms of site plan review that we get a lot of "hey I would pay a fee if you could expediate this", We turn individual standard site plan review as a standard operating procedure for the office we turn around in 12 business days, so we are pretty quick. We could certainly look into that. He would want to look into how that works in North Carolina a little bit more before commenting on it. It is not something we have considered. He doesn't know what kind of contract we would have to have. It is an interesting concept but there is more to research on it. He knows the Tree Board is advocating for a city arborist. We do have the DRC and there was a discussion about sustainability earlier. Kaitlin is on the DRC review list and if the city

were to hire an arborist they would be included as well. DRC reviews any site plan that comes through. All of those projects get that level of review.

More discussion was made on a consultant.

Ms. Water discussed her neighborhood and having to get a community permit for the neighborhood along with the building permit.

Mr. Holloway discussed the tree survey that is required currently.

Mr. Holloway also discussed subdivisions and the canopy preservation standards.

Ivy Crossing was also discussed.

The Board discussed the Tree Board being part of the CZD review process. Most of the Board members were in favor of keeping the Tree Board as part of the CZD review process. Ms. Peacock stated she would take the Tree Board out of it. Discussion was made on having an arborist on staff verses having the Tree Board review. The Board also discussed the three/five regulation and being more restrictive than the state is.

Ms. Peacock moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VII, Sections 7-3-3 and 7-3-4 and Article XV, Sections 15-4, 15-5, 15-6, 15-9 and to add the new Section 15-14 and 15-15 to establish additional requirements for the provision and protection of trees: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan. 2. We find this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space. 2. The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources. 3. The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City. Also to insert one staff recommendation relating to the one acre of disturbance and to not include the staff recommendation of removing the Tree Board from the CZD review process. Concerning the exemption standard alignment and recommendation, to remove the word "recommended" planting list and include "approved" planting list. Mr. Hanley seconded the motion which passed unanimously.

VI Other Business.

VII Adjournment – *The meeting was adjourned at 6:41 pm.*

Jim Robertson, Chair



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Tyler Morrow

MEETING DATE: March 14th, 2024

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – The Lofts at Chadwick (P24-04-CZD)
– Tyler Morrow– Planner II

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District, for the construction of 60 low income housing tax credit senior multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 3-5-24] and presented at this meeting and subject to the following:

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

Permitted Uses:

1. Residential Dwellings, Multi-Family

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

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

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

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject (PIN: 9568-92-1924) from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District based on the following:

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

The petition aligns with the City’s 2030 Comprehensive Plan’s Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its “Priority Infill Area” designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.

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

1. The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees.
2. The project is not providing all required stream buffer and transitional area protections measures for a blueline stream identified in

<p>The petition aligns with the City’s 2030 Comprehensive Plan’s Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its “Priority Infill Area” designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.</p> <p>4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. The petition proposes to provide additional affordable housing to offset the large affordable local rental demand.2. The petition proposes to provide affordable housing on a long vacant and underutilized piece of property near commercial corridors and is within walking distance to downtown.3. The proposed project would be a reduction in permitted by right intensity for the subject property by going from a 70 unit, 3-4 story spilt market rate multi-family development to a 60 unit, 3 story affordable senior housing multi-family development.4. The proposed development is the only LIHTC (Low Income Housing Tax Credit) project going through the tax credit process in the City of Hendersonville this cycle. If the project is approved and receives tax credits; the development would provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements. <p>[DISCUSS & VOTE]</p>	<p>the most recent USGS seven-and-one-half minute quadrangle topographic maps.</p> <p>[DISCUSS & VOTE]</p>
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***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Stephen Drake of Broadcast Construction & Development Inc., applicant and Brett Barry of Gordon Dooley Holdings LLC., property owner. The applicant is requesting to rezone the subject property, PIN 9568-92-1924 and located at 904 Greenville Highway, from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District for the construction of 60 low income housing tax credit senior multi-family units on approximately 2.25 acres. This equates to a density of 26.67 units per acre.*

The proposal includes the construction of 1 L-shaped multi-family structure with a proposed footprint of 24,500 square feet and a gross floor area of 73,500 square feet.

Additionally, the development proposes 70 parking spaces.

The proposed site is outside of the floodplain and floodway. According to the latest USGS 7.5 minute quad maps, there is a blueline stream along the northeastern property boundary.

PROJECT/PETITIONER NUMBER:	P24-04-CZD
PETITIONER NAME:	<ul style="list-style-type: none">• Stephen Drake (President), of Broadcast Construction & Development Inc. (Applicant)• Brett Barry (Manager) of Gordon Dooley Holdings LLC (property owner)
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Proposed Site Plan / Elevations3. Neighborhood Compatibility Summary4. Tree Board Summary5. Proposed Zoning Map6. Draft Ordinance7. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING –THE LOFTS AT CHADWICK (P24-04-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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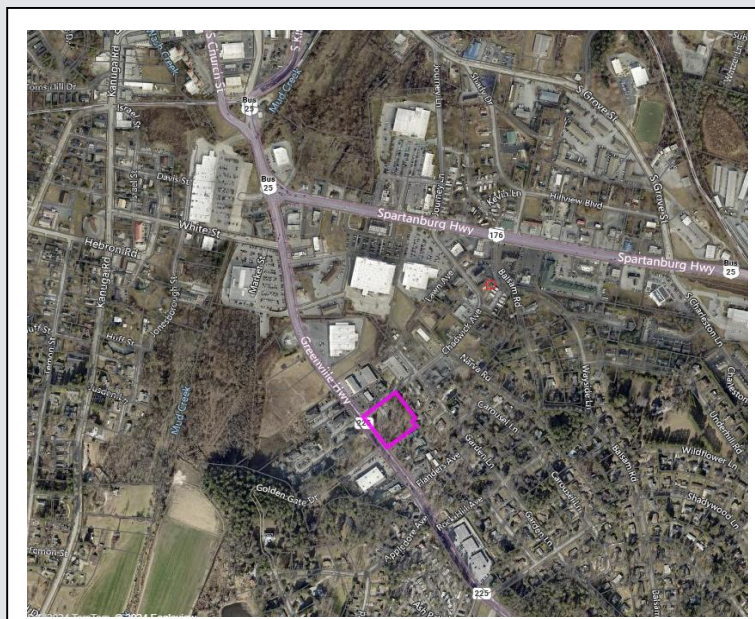
DEVELOPER PROPOSED CONDITIONS: 23

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS: 24



PROJECT SUMMARY

- Project Name & Case #:
 - The Lofts at Chadwick
 - P24-04-CZD
- Applicant & Property Owner:
 - Stephen Drake (President) – Broadcraft Construction & Development Inc. [Applicant]
 - Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]
- Property Address:
 - 904 Greenville Highway
- Project Acreage:
 - 2.25 Acres
- Parcel Identification (PIN):
 - 9568-92-1924
- Current Parcel Zoning:
 - GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District
- Future Land Use Designation:
 - High Intensity Neighborhood
- Requested Zoning:
 - GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District
- Requested Uses:
 - Residential, Multi-Family
- Neighborhood Compatibility Meeting:
 - February 1st, 2024



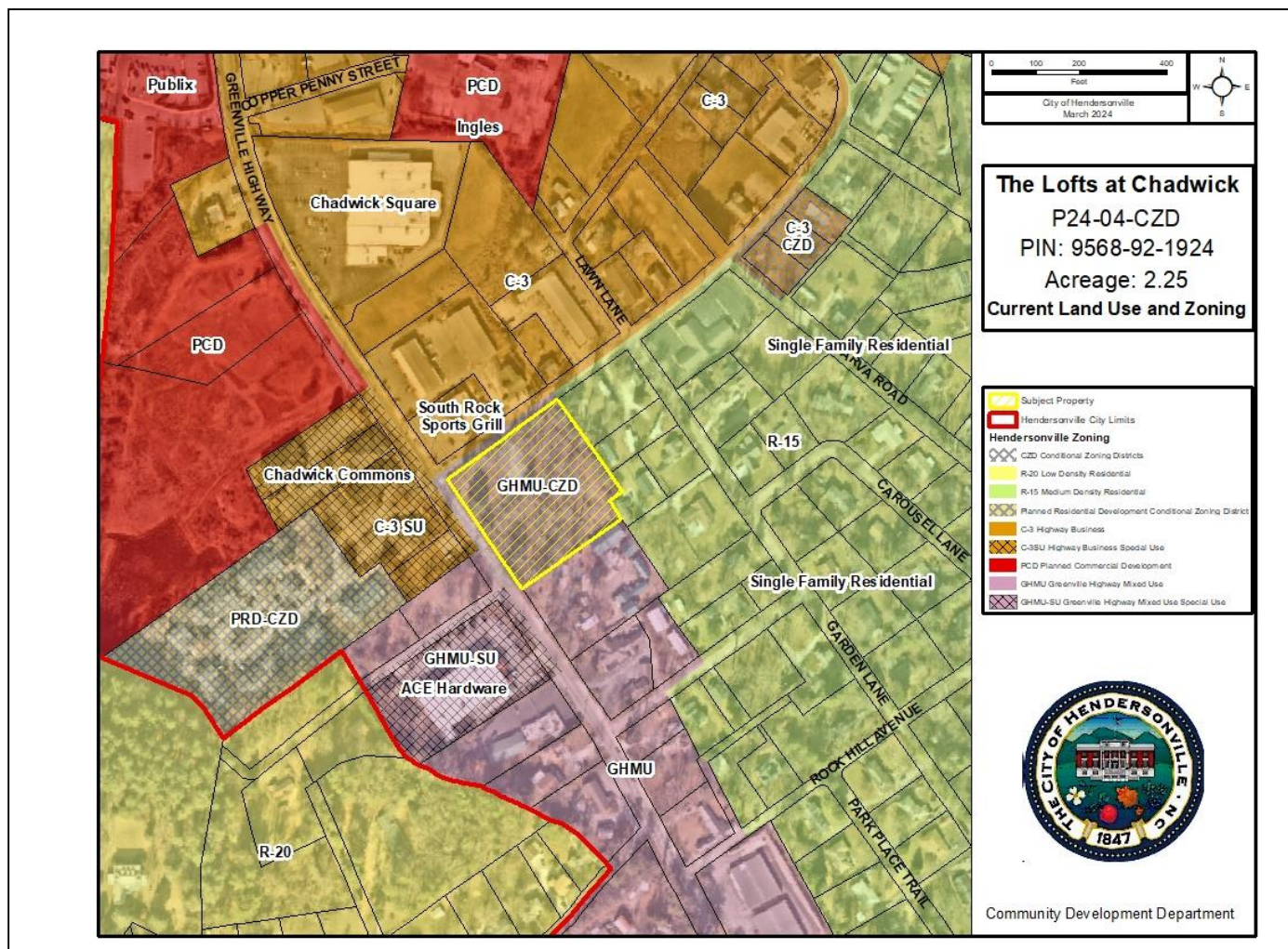
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Rezoning from Stephen Drake of Broadcraft Construction & Development Inc., applicant, and Brett Barry of Gordon Dooley Holdings LLC., property owner. The applicant is requesting to rezone the subject property, PIN 9568-92-1924 and located at 904 Greenville Highway, from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District for the construction of 60 low-income housing tax credit senior multi-family units on approximately 2.25 acres. This equates to a density of 26.67 units per acre.

The proposal includes the construction of 1 L-shaped multi-family structure with a proposed footprint of 24,500 square feet and a gross floor area of 73,500 square feet. Additionally, the development proposes 70 parking spaces.

The proposed site is outside of the floodplain and floodway. According to the latest USGS 7.5-minute quad maps, there is a blueline stream along the northeastern property boundary.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

This parcel is at the intersection of Greenville Highway and Chadwick Ave and represents the beginning of the Greenville Highway Mixed Use zoning district. The GHMU district extends along Greenville Highway towards the Village of Flat Rock. Parcels to the south along this corridor are all zoned GHMU/GHMU-SU and consist of a mix of commercial (office, retail, etc.) and residential uses (multi-family and single-family). The properties to the east of the subject parcel are zoned R-15 and consist of typical suburban single-family homes. Parcels to the north are C-3 and representative of the hub of commercial activity found at the intersection of Greenville Highway and Spartanburg Highway. Some PCD zoning is found in this area and is associated with the 3 large, grocery store-anchored strip center developments in close proximity to the subject property – each of which is less than a ½ mile (less than a 10-minute walk) from the subject property. The subject property is .85 miles (15 to 20-minute walk) from Downtown (using the Historic Henderson County Courthouse as destination point).

SITE IMAGES



View of the approximate location of the proposed drive for the development, looking towards the intersection of Greenville Highway and Chadwick Ave.



Typical view of the mature trees on the site and existing impervious surfaces.

SITE IMAGES



View of the existing impervious surfaces associated with the previous mobile home use.



View of the area depicted as a blueline stream on the northeastern property boundary (after a rainfall event). Debris is from the adjacent property.

SITE IMAGES



View of the area depicted as a blueline stream on the northeastern property boundary (after a rainfall event).



View of existing mature trees that are covered with ivy along the northeastern property boundary referenced by the Tree Board during their meeting.

SITE IMAGES



View of existing driveway from Greenville Highway (would be removed with this project).



Typical view within the site facing towards Chadwick Ave.

SITE IMAGES



Typical view of existing mobile home pads within the subject property.



View of existing drive entrance on Chadwick Ave. According to the plans this access would be removed and relocated up Chadwick Ave further away from the Greenville Highway intersection.

REZONING HISTORY

Prior Rezoning (P21-78-CZD)	Summary of Prior Petition	Status
3-3-2022 (GHMU to GHMU-CZD)	2.25 acre development for the construction of 70 multi-family units in 3 buildings.	Active Entitlements

Full Minutes from City Council Meeting:
<https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=4e1ec93b4650e>

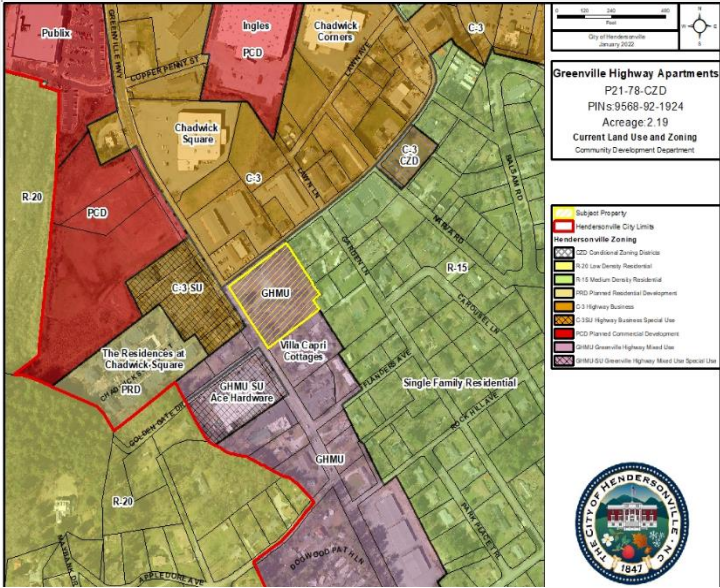
904 Greenville Highway Multi-family

3 Buildings (Total Building Footprint= 29,400 Sq Ft) (117,600 Sq Ft of Gross Floor Area)

- Building 1- Chadwick Ave
 - 9,800 Square feet
 - 21 units
- Building 2- Corner of Chadwick Ave and Greenville Highway
 - 9,800 Square Feet
 - 28 Units
- Building 3- Greenville Highway
 - 9,800 Square Feet
 - 21 Units

- Height:
- 3 and 4 story split.
 - 42' max height.

- Parking:
- Included surface parking with pervious parking in certain areas.
 - 70 spaces required.
 - 91 spaces proposed.



REZONING HISTORY

Prior Rezoning (P21-78-CZD)	Summary of Prior Petition	Status
3-3-2022 (GHMU to GHMU- CZD)	2.25 acre development for the construction of 70 multi-family units in 3 buildings.	Active Entitlements

Conditional Zoning District Ordinance:

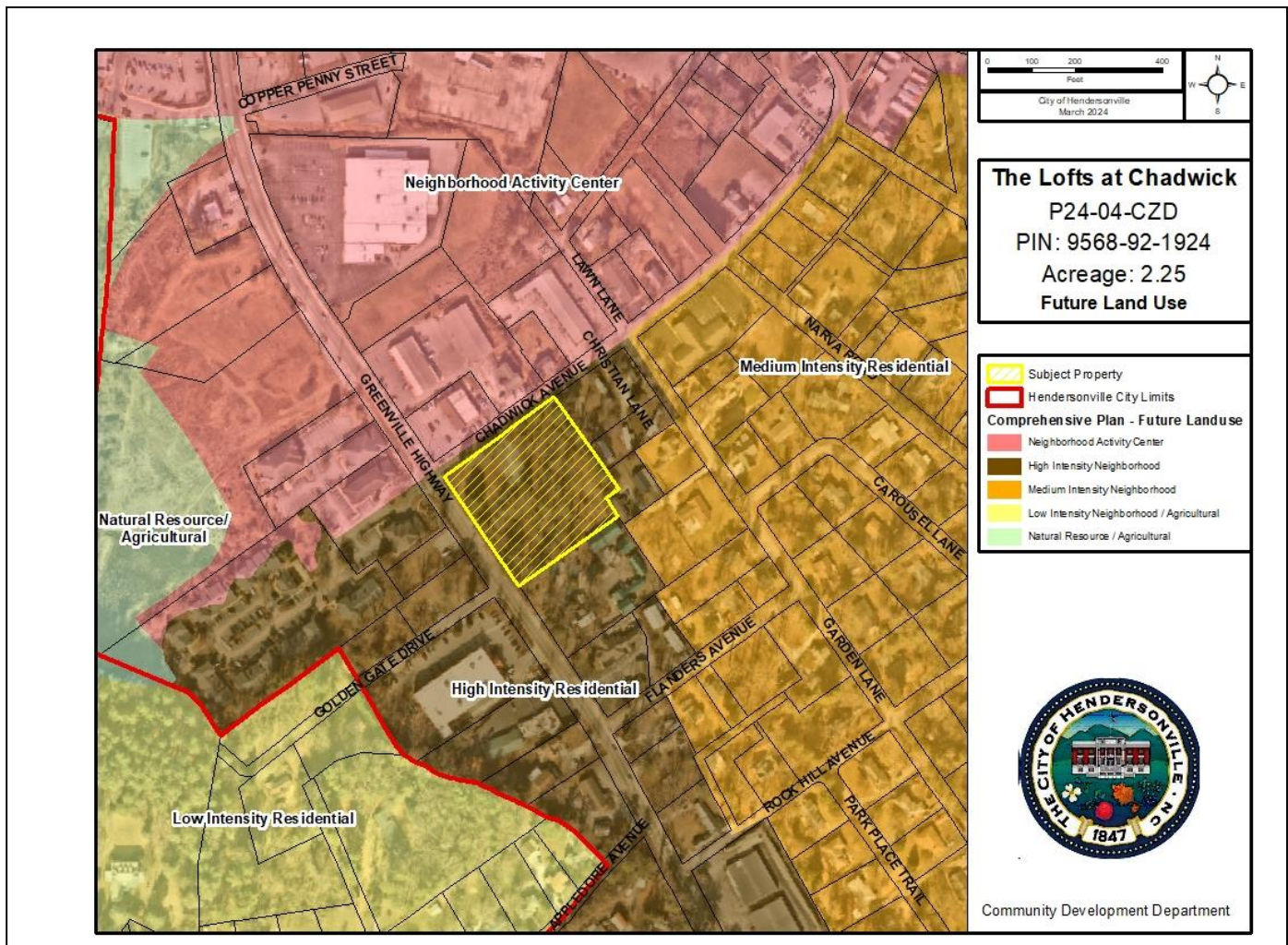
<https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeId=56dd16b45f6aa>

Conditions:

1. Driveway location shall be shifted as far from the intersection of Chadwick Ave and Greenville Highway as possible.
2. ROW shall be dedicated along Chadwick Ave to include all areas from the back of the proposed sidewalk to the existing ROW/property boundary. At a minimum, the ROW dedication will provide an additional 7.5' measured from the Centerline of Chadwick Ave. Final details of width needed will be coordinated with Traffic Consultant and Public Works Director. The provision of ROW to the City will not reduce the Open Space accounted towards the proposed development.
3. Open greenspace shall be used and preserved around parking areas for green infrastructure: bioswales, bioretention areas, and rain gardens to the degree feasible.
4. The existing natural drainage way along the eastern boundary of the parcel must be preserved at a minimum but should be improved.
5. Trees along the edge of the parking lots and the drainage way along eastern boundary shall be protected in compliance with Article XV, Section 15-4 (C) of the Zoning Ordinance.
6. Additional hardscaping elements to be installed at intersection of Chadwick Ave and Greenville Hwy to demonstrate compliance with Section 18-6-4.5 which states, "On corner lots, the applicant is encouraged to provide a building entry, additional building mass, and distinctive architectural elements at corner of buildings."



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is located at a boundary edge where a High Intensity Neighborhood District transitions from a Neighborhood Activity Center along the Chadwick Ave intersection with Greenville Highway. It is also in close proximity to the Activity Node located at the intersection of Greenville Highway & Spartanburg Highway. Not only does this location serve as a transitional area for the intensity related to the Activity Node but also the intensity of uses along Greenville Highway - transitioning from High Intensity Neighborhood to Medium Intensity Neighborhood to the east. Low Intensity Neighborhood and Natural Resource / Agricultural designations are also found in vicinity of the project but have a lesser relationship to the proposed rezoning/redevelopment proposal.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-7. High-Intensity Neighborhood: Create Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods. [CONSISTENT]</p>
	<p>Strategy LU-7.1. Locations:</p> <ul style="list-style-type: none"> Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT] Priority infill development areas where high-density development is desirable and/or expected, including: <ul style="list-style-type: none"> Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT] Areas surrounding Regional Activity Centers [INCONSISTENT] Neighborhoods near Downtown, excluding historic neighborhoods. [CONSISTENT] Neighborhoods between Jackson Park and US-176 [INCONSISTENT]
	<p>Strategy LU-7.2. Primary recommended land uses: Single-family attached and multi-family residential, Planned Residential Developments, Open space [CONSISTENT]</p> <p>Strategy LU-7.3 Secondary recommended land uses: Public and institutional uses, Offices and retail along thoroughfares, Recreational amenities [INCONSISTENT]</p>
	<p>Strategy LU-7.4 Development guidelines:</p> <ul style="list-style-type: none"> Eight or more units per gross acre [CONSISTENT] Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT] At least 60% open space in new residential developments greater than three acres [INCONSISTENT] Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [CONSISTENT] Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [CONSISTENT]
Land Use & Development	<p>The property is designated as a “Priority Infill Area” on the Growth Management Map (Map 8.3a). Priority infill areas are “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties”. [CONSISTENT]</p>
	<p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]</p>

	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. [CONSISTENT]
Population & Housing	<p>Housing Affordability:</p> <ul style="list-style-type: none"> • Growth in home values in Hendersonville and Henderson County has outpaced the Asheville MSA, North Carolina and the United States. • Home appreciation rates have exceeded income and population growth, creating a need for affordable housing and a mismatch between jobs and housing in Hendersonville. • Comprehensive Plan Survey respondents overwhelmingly felt that there is an inadequate supply of safe/decent affordable housing in Hendersonville. • Participants at Steering Committee and public meetings expressed a desire for a mix of housing types that are affordable to a range of incomes
	Strategy PH-1.1. Promote compatible infill development.
	Action PH-1.1.1. Develop design guidelines for infill development. Guidelines should focus on architectural compatibility and scale. Landscape buffering standards should be included for scenarios in which architectural transitions are inadequate. Special attention should be given to properties within or adjacent to historic districts.
	Action PH-1.1.2. Implement zoning map and/or text amendments as needed in the Priority Infill Areas identified on the Growth Management Map in Chapter 8 (Map 8.3a). Priority Infill Areas are areas in which the City encourages infill and/or redevelopment. Amendments will bring zoning standards in line with desired form and land uses.
	Action PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as “park streets” identified in Strategy CF-7.1 in Chapter 5
	Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.
	Strategy PH-2.2. Encourage provision of affordable housing units in new developments.
	Action PH-2.2.1. Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.
	Goal PH-3. Promote safe and walkable neighborhoods.
	Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.
	Action PH-3.2.1. Promote mixed-use redevelopment along major thoroughfares through zoning map and/or text amendments in accordance with the High-Intensity Neighborhood and Neighborhood Activity Center classifications on the Future Land Use Map
Natural &	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve

Environmental Resources	natural habitat.
	Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.
	Action NR-1.2.1 Encourage protection of streams and wetlands and land adjacent to them
	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.3 Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.
	Action NR-2.3.1 Continue to encourage tree preservation by providing existing tree preservation credit toward landscaping requirements
	Action NR-2.3.5 Encourage larger developments to place structures and roadways in areas where land has been disturbed and trees have already been removed
	Goal NR-3. Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
Cultural & Historic Resources	<p>The subject property is less than .3 miles from a locally-designated historic landmark, the Brookland Charles Edmondston House at 299 Balsam Rd.</p> <p>The surrounding residential area appears to primarily be post-WWII conventional suburban development.</p>
	No Goals, Strategies, or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Goal WR-2. Understanding that communities and the natural environment located downstream are dependent on clean water, strive to preserve the quality of water as it flows through Henderson County
	Strategy WR-2.1. Continue to fund and operate the City's stormwater management program.
	Action WR-2.1.4 Continue to require the control of construction site runoff through the permitting and inspection process of Henderson County's Erosion Control Division
	Action WR-2.1.5 Continue to require the control of post construction runoff through the City's stormwater regulations.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.

Transportation & Circulation	Greenville Highway is designated as a major throughfare in need of improvements according to Map 7.3a: Transportation Plan
	Map 7.3a shows a potential greenway location along this property's frontage on Greenville Highway.
	<p>Walk Hendo identified sidewalks along Greenville Highway as a priority.</p> <ul style="list-style-type: none"> • NC-225 Sidewalk South of Chadwick Avenue Golden Gate Drive • NC-225 Sidewalk South of Golden Gate Drive Appledore Avenue • NC-225 Sidewalk Appledore Avenue Erkwood Drive (SR-1164) <p>Sidewalks on Chadwick Ave were also identified.</p> <ul style="list-style-type: none"> • Chadwick Avenue Sidewalk NC-225 South of Lawn Avenue
	Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Goal TC-3. Provide a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life.
	Strategy TC-3.2. Coordinate with the NC Department of Transportation and French Broad River Metropolitan Planning Organization (MPO) on localized transportation planning.
	Action TC-3.2.1 Work with the French Broad River MPO on updates to the Comprehensive Transportation Plan to reflect the map classifications depicted on Map 7.3a
	Action TC-3.4.5 Widen and improve existing roadways as indicated on Map 7.3a, based on studies of existing and projected traffic volume as compared to current capacity
	Strategy TC-4.2. Ensure that all bus stops are in locations that can be accessed safely and conveniently by pedestrians.

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -
	The subject property is currently a vacant and previously developed site. The proposed development site is located in a commercial corridor near the US and State route intersection of Spartanburg Highway (US 176) and Greenville Highway (NC225). The subject property is also in the general proximity of downtown. The design guidelines of the GHMU Zoning District, further ensures that a development of this scale is compatible with the surrounding area and corridor.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The southern end of Hendersonville has continued to develop as a key commercial node for the City with a wide range of groceries, restaurants, pharmacies, retail shops, services, and high density residential.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 4 years, the City of Hendersonville has approved <u>1,915</u> rental units (218 of the units are inactive *been dormant for more than 6 months*). If this project is approved, Hendersonville's recently-approved rental units would total <u>1,975</u> . However, of the 1,915 units approved over the last 4 years, only <u>103</u> of the units have been affordable units for residents making 30% to 80% AMI. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes below 50% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exists for those income levels lower than 50% AMI.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	This development would be considered an infill development. It would utilize existing roadways and infrastructure. Water and sewer infrastructure are already present in Greenville Highway and Chadwick Ave. The site is already served by Hendersonville police and fire.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -

Blueline Stream- The most recent USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville shows that this property has a blueline stream along the northeastern property boundary. The site plan does not currently show the required 30' stream buffer and 20' transitional area. The developer proposed a condition that states "...Based on the revision from the 2019 to the 2022 USGS quad maps the drainage feature now shows as a stream. Prior to the construction document phase developer shall have the surveyor complete a field survey of the existing drainage feature and have an environmental scientist complete a site assessment to determine if the stream is jurisdictional. The developer does not proposed to have any impacts with the stream and agrees to as much as possible clean up the stream and stabilize the stream banks within our property. In either case the developer is requesting the required stream buffers to be waived."

Mature Trees: There are a total of 60 trees that are 12" or greater DBH on the site. 12 of the existing trees are proposed to be preserved while 48 trees are slated for removal. The developer proposed the following condition "Developer shall provide tree protection during construction process. The proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible. Any preserved tress (large maturing or pine) counted towards credit that dies within 10 years will be re-planted with a single Genera Quercus (Oaks), Acer (Maples), or Carya (Hickories)." This condition was a counter to a Tree Board recommended condition.

Floodplain: The subject site is completely outside of the special flood hazard areas. However, the site is approximately 31' from the 500 year floodplain boundary and approximately 53' from the 100 year floodplain boundary.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The petition aligns with the City's 2030 Comprehensive Plan's Goals because it encourages infill development in an area planned for high-intensity development, as indicated by its "Priority Infill Area" designation and because multi-family residential of 8 or more units per acre is a primary recommended land use for the High Intensity Neighborhood Designation.

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

DRAFT [Rationale for Approval]

- *The petition proposes to provide additional affordable housing to offset the large affordable local rental demand.*
- *The petition proposes to provide affordable housing on a long vacant and underutilized piece of property near commercial corridors and is within walking distance to downtown.*
- *The proposed project would be a reduction in permitted by right intensity for the subject property by going from a 70 unit, 3-4 story spilt market rate multi-family development to a 60 unit, 3 story affordable senior housing multi-family development.*
- *The proposed development is the only LIHTC (Low Income Housing Tax Credit) project going through the tax credit process in the City of Hendersonville this cycle. If the project is approved and receives tax credits; the development would provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.*

DRAFT [Rational for Denial]

- *The proposed development proposes to remove 48 mature trees from the site while only maintaining 12 mature trees.*
- *The project is not providing all required stream buffer and transitional area protections measures for a blueline stream identified in the most recent USGS seven-and-one-half minute quadrangle topographic maps.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

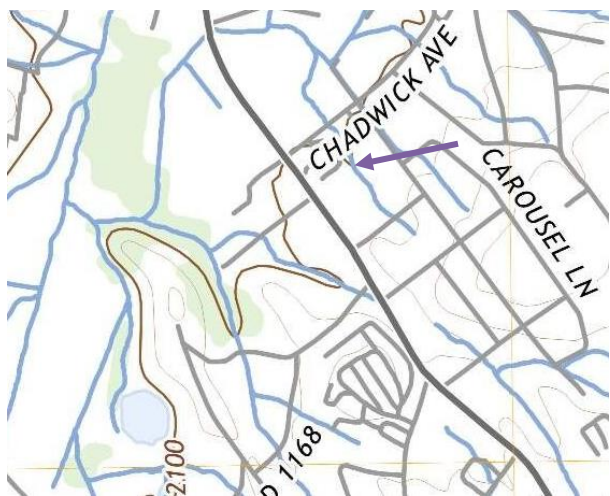
PROPOSED REQUEST DETAILS

Site Plan Summary:

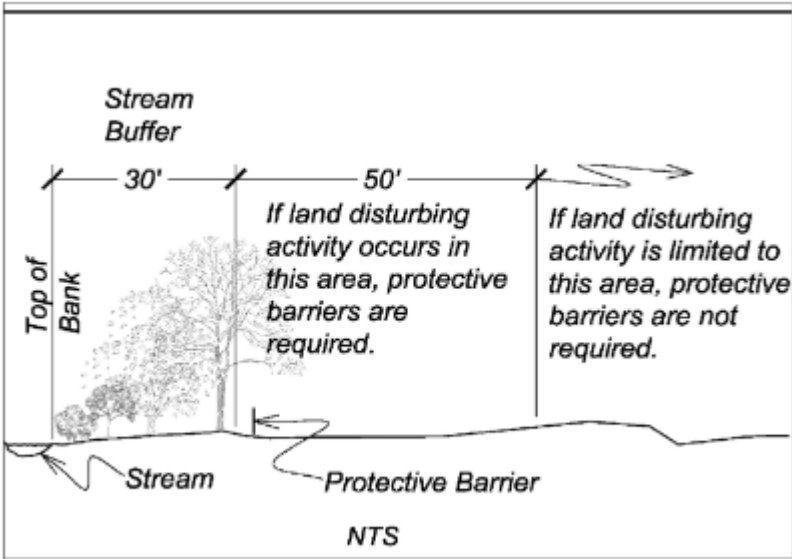
- Proposed Uses:
 - Residential, Multi-Family
- Building:
 - 60 Units
 - Gross Floor area: 75,000 SF
 - Building footprint: 25,000 SF
 - 3 stories (36' 3" at the highest point)
 - The building/site is required to meet all building and design requirements of Greenville Highway Mixed Use developments, and this includes but is not limited to building materials, building offsets, building projections, building orientation, building scale, etc.
- Transportation:
 - The site will have one access point from Chadwick Avenue (local street).
 - The development will not be utilizing either existing access to the site. The Greenville Highway Access will be removed, and the Chadwick Ave access is being pushed further from the Greenville Highway and Chadwick Ave. intersection.
 - The developer is dedicating 25' of R/W from the center line of Greenville Highway to NCDOT and 25' from the centerline of Chadwick Ave. to the City to aid in any future improvements of each road.
- Sidewalks
 - The development will provide sidewalks along their entire property frontage on Chadwick Avenue and Greenville Highway. The sidewalks are shown as 6' wide; the City's minimum requirement is 5' wide.
 - A private sidewalk will connect all entrances of the building to the public sidewalks at Chadwick Avenue.
- Lighting
 - All site lighting will be required to conform to the City's lighting standards for multi-family developments and developments abutting a blueline stream. The lighting plan is a component of the final site plan review.
- Parking:
 - Parking is required at 1 per dwelling unit.
 - Parking required: 60 spaces.
 - Parking provided: 70 spaces (including 10 ADA parking spaces)
 - All parking is provided at the side or rear of the property and screened from the public rights of way.
 - Drive Aisles
 - All interior drive aisles are proposed to be 26' wide. This is in

alignment with the requirements of Appendix D of the Fire Code.

- Landscaping
 - This development will be required to provide:
 - Vehicular Use Landscaping (Sec. 15-9. - Landscaping for vehicular use areas.)
 - Interior parking lot plantings.
 - Planting strip plantings.
 - Buffer from street plantings.
 - Street trees (Sec. 5-18. - EC Entry Corridor Overlay Districts.)
 - Common Space Trees (5-22-4.1.4 Common space.)
 - Open Space trees and shrubs (Sec. 15-13. - Special provisions regarding open space landscaping in Mixed Use Districts)
 - The developer is proposing that his “Mixed Use District Open Space” shrubs create a pollinator garden of perennials and shrubs along the northeastern property boundary running parallel to the blueline stream.
- Blueline Stream
 - The most recent (2022) USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville shows that this property has a blueline stream along the northeastern property boundary.



- Blueline streams require stream buffers which apply on each side of the stream and is measured 30 feet horizontally from the top of the stream bank in a direction perpendicular to the stream flow.
- There is also a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized.



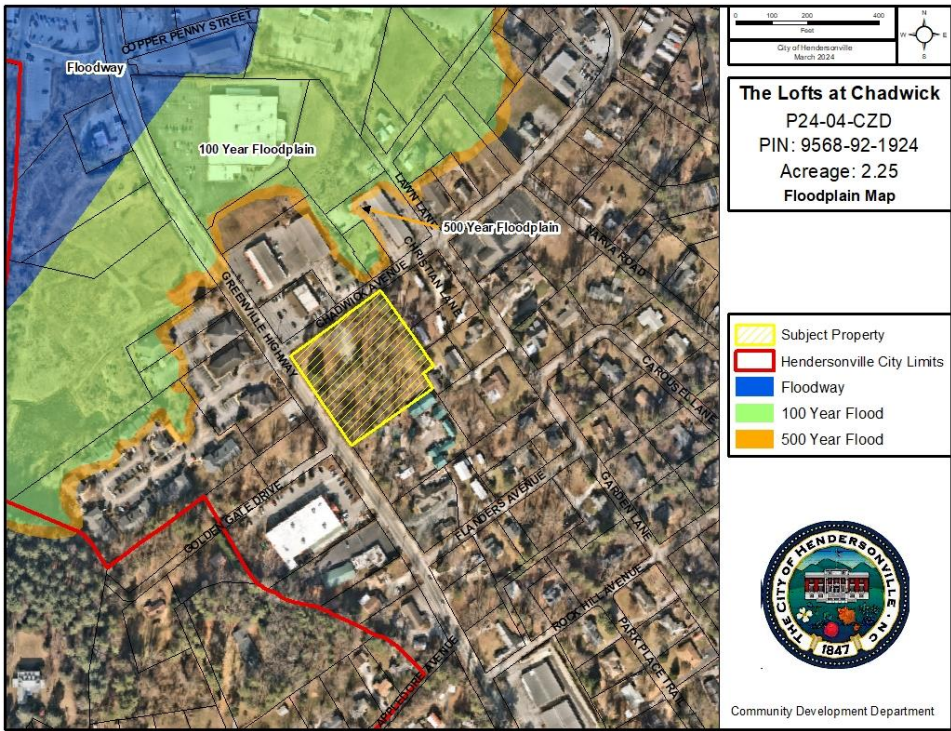
- This blueline stream was not present in our comprehensive plan’s natural resource chapter (2009). Shown below:



- It was also not present in the 2019 USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville



- Floodplain
 - According to the 2008 FEMA floodplain maps, no portion of this property falls within the Special Flood Hazard areas.
 - The map below shows the mapped floodway, 100 year floodplain and 500 year floodplain.



- Previous Development on the Site:
 - Photo below taken January 27th 2010. Approximately 13 mobile homes were once present on the site. Internal drives, unit pads and abandoned electric meter poles and boxes can still be found around the site today from this development.
 - The previous development appears to go back at least as far back as 1984.
 - It appears that sometime between 2016 and 2018, the mobile home development was demolished.



DEVELOPER PROPOSED CONDITIONS:

- 1. Tree Protection
 - Developer shall provide tree protection during construction process. The proposed tree protection fence limits will not meet the code requirements of 1' for every 1" of tree diameter based on the existing impervious coverage and tight constraints of the site. Proposed tree protection will provide the maximum amount of tree protection as possible. Any preserved tress (large maturing or pine) counted towards credit that dies within 10 years will be re-planted with a single Genera Quercus (Oaks), Acer (Maples), or Carya (Hickories). **Counter to a Tree Board recommended condition.**
- 2. Loading and Unloading
 - Developer is requesting not to provide a loading/unloading zone. The project includes vehicle parking above the code minimum requirement.
- 3. Stream Buffer Requirements
 - At this point it is not clear if the drainage feature along the eastern property line lies within our site or the adjacent property and whether it would be classified as a jurisdictional stream per the ASAAOE criteria. Based on the revision from the 2019 to the 2022 USGS quad maps the drainage feature now shows as a stream. Prior to the construction document phase developer shall have the surveyor complete a field survey of the existing drainage feature and have an environmental scientist complete a site assessment to determine if the stream is jurisdictional. The developer does not proposed to have any impacts with the stream and agrees to as much as possible clean up the stream and stabilize the stream banks within our property. In either case the developer is requesting the required stream buffers to be waived. **Counter to parts of a Tree Board recommended condition and zoning ordinance requirement.**
- 4. Façade
 - The developer is requesting the north, south and east facades of the building to have a maximum offset distance of 24 versus the required 16' as indicated on the architectural building elevations.
- 5. Low-income Housing Tax Credits
 - Proposed development is LIHTC (Low Income Housing Tax Credit) with all (60 units) of the units at or below 80% AMI. The proposed development will provide senior affordable housing as governed by North Carolina Housing Finance Agency requirements.

OUTSTANDING ISSUES & CITY PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Greenville Highway Mixed (5-22) (minus any developer proposed conditions).

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- Provide the City of Hendersonville with the dedication of R/W 30' from the center of the existing R/W for Chadwick Ave.
 - The developer did not agree to this but is showing a dedication of 25' from the center line of Chadwick Ave.

NCDOT

Site Plan Comments:

- This site plan does not define the right of way width as shown.
- This section of NC 225 is identified as a "Major Thoroughfare - Needs Improvement" by the approved FBRMPO CTP. The CoH has identified this section as needing improvement.
- Should show a dedicated Right of Way line as 50' from centerline, as has been previously required on this section of NC 225.
- Per the NCDOT Driveway Manual "the NCDOT may require the applicant to reserve or dedicate minimum right-of-way needs as identified by local government transportation plans for the state-maintained roadway along the property frontage. This may require that the driveway design and internal circulation be compatible with the future right-of-way location"
- This site plan prevents the CoH and NCDOT from being able to make improvements needed for this classification of roadway without purchasing the entire structure.
- NCGS 136-18(29) provides statutory authority to require turn lanes for roads with an ADDT over 4000. This site plan would prevent a single right turn lane onto Chadwick.
- If the CoH chooses not to follow the approved CTP on this one – the CoH should coordinate with FBRMPO to have the CTP amended to remove this section of NC 225.

Proposed NCDOT-Initiated Conditions:

- Provide NCDOT with a 50' R/W from the centerline of Greenville Highway.
 - The Developer did not agree to this, but is showing a dedication of 25' of R/W from the center line of Greenville Highway.

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

- None

Proposed Condition:

- None

TRANSPORTATION CONSULTANT (KIMLEY HORN)

TIA Comments:

- A TIA was not required for this project due to the low expected trip generation. The City's triggers of 100 peak hour trips and 1,000 daily trips were not met.

Trip Generation									
Land Use	Intensity	Units	Daily	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Residential Land Uses			198	12	4	8	15	8	7
252 - Senior Adult Housing - Multifamily	60	DU	198	12	4	8	15	8	7

Proposed Condition:

- None

For historical reference only (this is not related to this development):

- The previously approved development conducted a TIA for their development. The previous development had the below expected trip generation:

Table E-1: Site Trip Generation

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Mid-rise Multifamily (221)	80 DU	434	7	21	22	14

- The only recommended mitigation that came from this TIA was at the site entrance. The traffic engineer who conducted the TIA provided the below mitigation.
 - Chadwick Avenue and Site Access.
 - Construct northbound approach [Site Access] with one ingress lane and one egress lane.
- These findings were based on these existing traffic conditions:
 - Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in January 2022 during the typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods while local schools were in session:
 - Greenville Highway and Spartanburg Highway
 - Greenville Highway and Chadwick Avenue
 - Spartanburg Highway and Chadwick Avenue
 - Greenville Highway and White Street
- The City's Traffic consultant (Jonathan Guy) reviewed the provided TIA for this project and determined that:
 - "Based on a technical review of the TIA as submitted, the analysis and recommendations provide a reasonable assessment of the traffic impacts associated with the proposed development on the adjacent street network. The report text and figures should be revised as noted herein for completeness and correctness, and a technical memo or addendum to this TIA should be completed as a response to all comments."
 - Jonathan provided an additional recommendation which was

“Consideration should be given to moving the driveway on Chadwick Avenue as far back from the intersection with Greenville Highway as practically possible. As shown, the current location could impact the operations of the intersection. Furthermore, pushing the driveway back will allow for a future installation of a left-turn lane at the signal with Greenville Highway. In its current location and with the installation of a left turn lane the driveway could be limited to right-in/right out operations at some point in the future.”

- **The current proposal has taken this advice and moved their site access as far away from the Greenville Highway Chadwick Ave intersection as possible.**

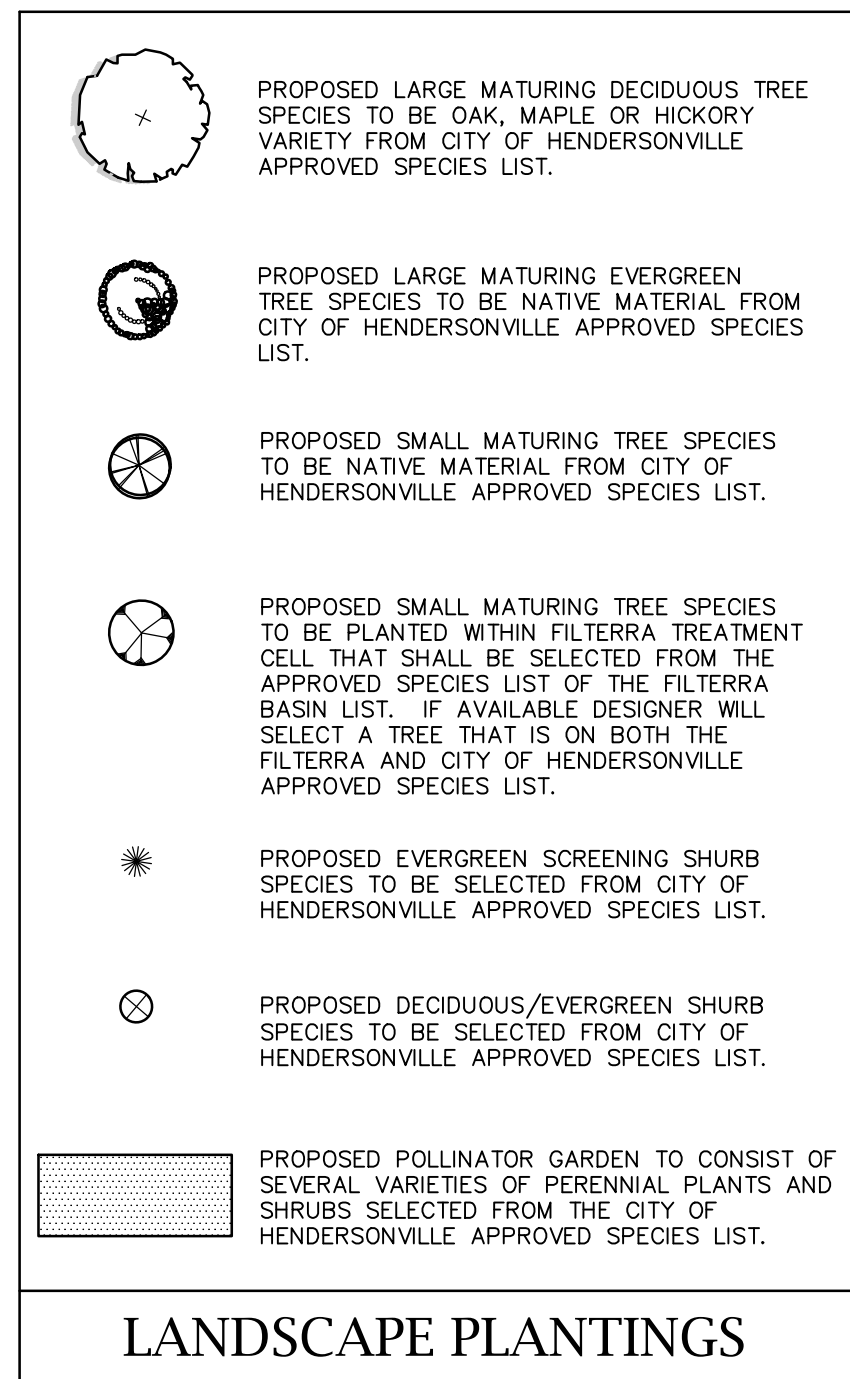
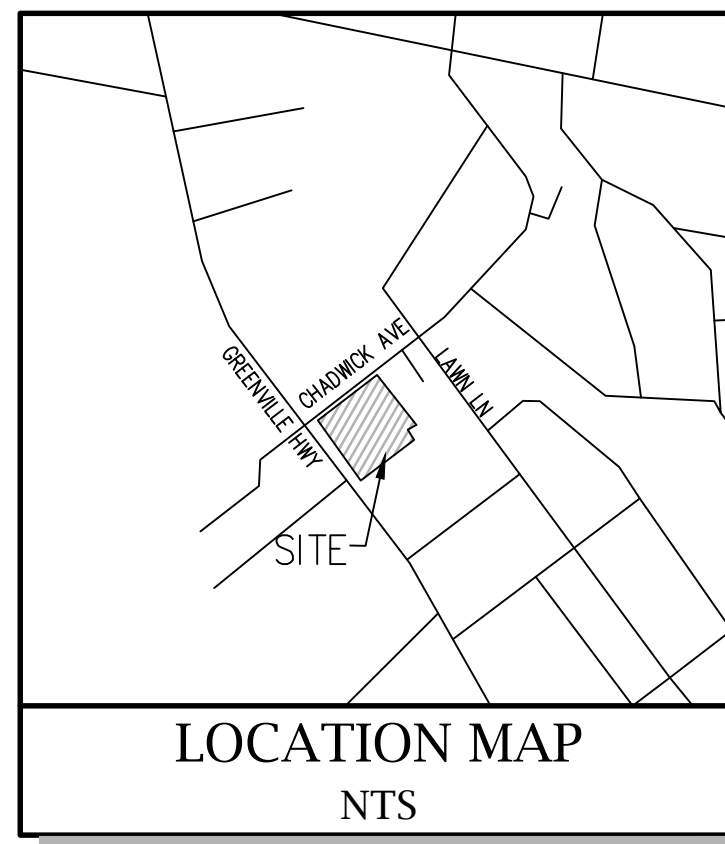
TREE BOARD

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- See attached Tree Board summary.



DEVELOPER PROPOSED CONDITIONS	PROPOSED DEVELOPMENT IS LIHTC (LOW INCOME HOUSING TAX CREDIT) WITH ALL (60 UNITS) OF THE UNITS AT OR BELOW 80% AMI. THE PROPOSED DEVELOPMENT WILL PROVIDE SENIOR AFFORDABLE HOUSING AS GOVERNED BY NORTH CAROLINA HOUSING FINANCE AGENCY REQUIREMENTS.	CITY PROPOSED CONDITIONS	INVASIVE TREES, SHRUBS AND GROUND COVER SHALL BE REMOVED, PARTICULARLY ENGLISH IVY, THROUGHOUT THE SITE, ESPECIALLY FOR THE TREES THAT ARE PRESERVED. CARE SHALL BE TAKEN TO NOT SUBSTANTIALLY DISTURB THE ROOT SYSTEMS OF PRESERVED TREES. INVASIVE TREES AND SHRUBS CAN BE CUT OFF AT GROUND LEVEL AND THE STUMP TREATED TO KILL THE ROOTS. CONTROL OF ENGLISH IVY SHALL BE CONFINED TO THE RECOMMENDATIONS FOUND IN THE NORTH CAROLINA EXTENSION PUBLICATION "CONTROLLING ENGLISH IVY IN URBAN LANDSCAPES".
	DEVELOPER SHALL PROVIDE TREE PROTECTION DURING CONSTRUCTION PROCESS. THE PROPOSED TREE PROTECTION FENCE LIMITS WILL NOT MEET THE CODE REQUIREMENTS OF 1' FOR EVERY 1" OF TREE DIAMETER BASED ON THE EXISTING IMPERVIOUS COVERAGE AND TIGHT CONSTRAINTS OF THE SITE. PROPOSED TREE PROTECTION WILL PROVIDE THE MAXIMUM AMOUNT OF TREE PROTECTION AS POSSIBLE. ANY PRESERVED TREES (LARGE MATURING OR PINE) COUNTED TOWARDS CREDIT THAT DIES WITHIN 10 YEARS WILL BE RE-PLANTED WITH A SINGLE GENERA QUERCUS (OAKS), ACER (MAPLES), OR CARYA (HICKORIES).		OAK TREES ARE PART OF A GROUP OF NATIVE PLANTS KNOWN AS KEYSTONE PLANTS WHICH ARE DEFINED AS PLANTS CRITICAL TO THE FOOD WEB AND NECESSARY FOR MANY WILDLIFE SPECIES TO COMPLETE THEIR LIFE CYCLE. SINCE THIS DEVELOPMENT WILL BE REMOVING 35 OAK TREES, IT IS THE TREE BOARD'S RECOMMENDATION THAT WHERE REQUIRED LARGE MATURING OR CANOPY TREES ARE TO BE PLANTED, SPECIES OF THE GENERA QUERCUS (OAKS), ACER (MAPLES), AND CARYA (HICKORIES) BE USED.
	DEVELOPER IS REQUESTING NOT TO PROVIDE A LOADING/UNLOADING ZONE. THE PROJECT INCLUDES VEHICLE PARKING ABOVE THE CODE MINIMUM REQUIREMENT.		
	DEVELOPER IS REQUESTING THE NORTH, SOUTH AND EAST FACADES OF THE BUILDING TO HAVE A MAXIMUM OFFSET DISTANCE OF 24' VERSUS THE REQUIRED 16' AS INDICATED ON THE ARCHITECTURAL BUILDING ELEVATIONS.		
	AT THIS POINT IT IS NOT CLEAR IF THE DRAINAGE FEATURE ALONG THE EASTERN PROPERTY LINE LIES WITHIN OUR SITE OR THE ADJACENT PROPERTY AND WHETHER IT WOULD BE CLASSIFIED AS A JURISDICTIONAL STREAM PER USACE CRITERIA. BASED ON THE REVISION FROM THE 2019 TO 2022 USOS QUAD MAPS THE DRAINAGE FEATURE NOW SHOWS AS A STREAM. PRIOR TO THE CONSTRUCTION DOCUMENT PHASE DEVELOPER SHALL HAVE THE SURVEYOR COMPLETE A FIELD SURVEY OF THE EXISTING DRAINAGE FEATURE AND HAVE AN ENVIRONMENTAL SCIENTIST COMPLETE A SITE ASSESSMENT TO DETERMINE IF THE STREAM IS JURISDICTIONAL. THE DEVELOPER DOES NOT PROPOSE TO HAVE ANY IMPACTS WITH THE STREAM AND AGREES TO AS MUCH AS POSSIBLE CLEAN UP THE STREAM AND STABILIZE THE STREAM BANKS WITHIN OUR PROPERTY. IN EITHER CASE THE DEVELOPER IS REQUESTING THE REQUIRED STREAM BUFFERS TO BE WAIVED.		

PERIMETER AND INTERIOR PLANTINGS
1 TREE AND 2 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF VEHICULAR USE AREA.

TOTAL VEHICULAR USE AREA: ±27,400 SF
TOTAL TREES REQUIRED/PROPOSED: 7/7
TOTAL SHRUBS REQUIRED/PROPOSED: 14/14

WHEN A DEVELOPMENT CONTAINS 20 OR MORE PARKING SPACES, 50 PERCENT OF THE TREES AND SHRUBS REQUIRED MUST BE PLANTED IN ISLANDS OR MEDIANS LOCATED WITHIN THE PARKING LOT.

NO LANDSCAPING SHALL BE WITHIN THE SIGHT TRIANGLES.

STREET TREES – CHADWICK AVE
–TOTAL LINEAR FOOTAGE OF RIGHT OF WAY: 303'
–REQUIRED SMALL MATURING (40' ON CENTER): 8
(BASED ON CLOSE PROXIMITY TO BUILDING/OVERHEAD ELECTRIC)
–EXISTING TREE CREDITS: 12
(14", 16" OAK & 14" & 18" PINE)
–TOTAL PROPOSED SMALL MATURING TREES: 3
–TOTAL REQUIRED/PROVIDED CANOPY TREE CREDITS: 8/15

ENTRY CORRIDOR STREET TREES – GREENVILLE HWY
–TOTAL LINEAR FOOTAGE OF RIGHT OF WAY: 294'
–REQUIRED SMALL MATURING (40' ON CENTER): 8
(BASED ON CLOSE PROXIMITY TO BUILDING)
–EXISTING TREE CREDITS: 2
(12" OAK)
–TOTAL PROPOSED SMALL MATURING TREES: 6
–TOTAL REQUIRED/PROVIDED CANOPY TREE/CREDITS: 8/8

BUFFERING FROM STREET
A VEGETATIVE BUFFER SHALL CONSIST OF AT LEAST ONE EVERGREEN OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF BUFFER REQUIRED.
–TOTAL LINEAR FT. OF FRONTAGE (CHADWICK): 45'
–TOTAL SHRUBS REQUIRED/PROPOSED: 9/9

PLANTING STRIPS
ONE LARGE EVERGREEN OR DECIDUOUS TREE AND FIVE EVERGREEN OR DECIDUOUS SHRUBS SHALL BE PLANTED FOR EVERY 40 LINEAR FEET OF PROPERTY LINE THAT PARALLELS THE VEHICULAR USE AREA (100 FT.).
–TOTAL LINEAR FEET OF PLANTING STRIP: 460'
–TOTAL TREES REQUIRED: 12
–TOTAL SHRUBS REQUIRED/PROVIDED: 58/58

COMMON SPACE
PROVIDED COMMON SPACE: 9,087 SF (10.0%)
–TOTAL TREES REQUIRED/PROVIDED: 19/29
–1 TREE PER 500 SF OF COMMON SPACE.
–EXISTING TREE CREDITS: 29
(13", 24", 26", 29" OAK & 13", 21", 28" PINE)

SPECIAL PROVISIONS REGARDING OPEN SPACE IN MIXED USE DISTRICTS
1 TREE AND 5 SHRUBS REQUIRED FOR EVERY 4,000 SQ. FT. OF OPEN SPACE.
–TOTAL OPEN SPACE AREA: 39,680 SF
–TOTAL TREES REQUIRED/PROPOSED: 10/10
–TOTAL SHRUBS REQUIRED/PROPOSED: 50/50

A MINIMUM OF 50 PERCENT OF THE TREES SHALL BE CANOPY TREES.

PROPERTY OWNERS: GORDON DOOLEY HOLDINGS LLC
904 GREENVILLE HWY
HENDERSONVILLE NC 28792

PARCEL #: 9568-92-904
DEED BOOK & PAGE: 3914/462
TOTAL SITE ACREAGE: ±2.25 AC
–NET SITE ACREAGE AFTER R/W DEDICATION: 90,823 SF (2.085 AC)

CURRENT ZONING: GHMU-CZD
PROPOSED ZONING: GHMU-CZD
EXISTING USE: VACANT

PROPOSED USE: MULTI-FAMILY HOUSING (SENIOR) (LOW-INCOME)

PROPOSED UNITS: 60
PROPOSED DENSITY: 28.78 DU/AC

PROPOSED BUILDING HEIGHT: 36'-3" (3 STORIES)

FRONT SETBACK: 0'
SIDE YARD: 20'
–15' (BASED ON 2 STORY) + 5' (ONE ADDITIONAL STORY)
REAR YARD: 20'
–15' (BASED ON 2 STORY) + 5' (ONE ADDITIONAL STORY)

REQUIRED PARKING: 60
–1.0 SPACE PER UNIT (ELDERLY MULTIFAMILY DWELLING)
PROPOSED PARKING: 70

OPEN SPACE/FOOTPRINT REQUIRED
– PROPOSED FOOTPRINT: ±25,000 SF
– GROSS FLOOR AREA (EXCLUDING GAZEBO) ±75,000 SF
– PROPOSED ASPHALT AREA: ±27,400 SF
– PROPOSED SIDEWALK AREA: ±6,430 SF
– TOTAL PROPOSED BUILT UPON AREA: ±58,330 SF

REQUIRED MINIMUM COMMON SPACE: 10% (9,082 SF)
PROPOSED COMMON SPACE: 10.0% (±9,087 SF)
– (HATCHED AREA INDICATE COMMON SPACE)

REQUIRED MINIMUM OPEN SPACE: 36,330 SF / 40.0%
PROPOSED OPEN SPACE: 39,680 SF / 40.5%

PROPERTY IS LOCATED WITHIN CITY LIMITS

ALL PROPOSED UTILITY SERVICE LINES SHALL BE UNDERGROUND.

THE PROPOSED MAINTENANCE OF THE BUILDING, PARKING LOT, STORMWATER MANAGEMENT AND OPEN SPACE WILL BE THE RESPONSIBILITY OF DEVELOPER FOR THE PROPERTY.

DEVELOPMENT SUMMARY

Mc²
ENGINEERING

MC ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
**THE LOFTS AT CHADWICK
APARTMENTS**
CHADWICK AVE
HENDERSONVILLE, NC

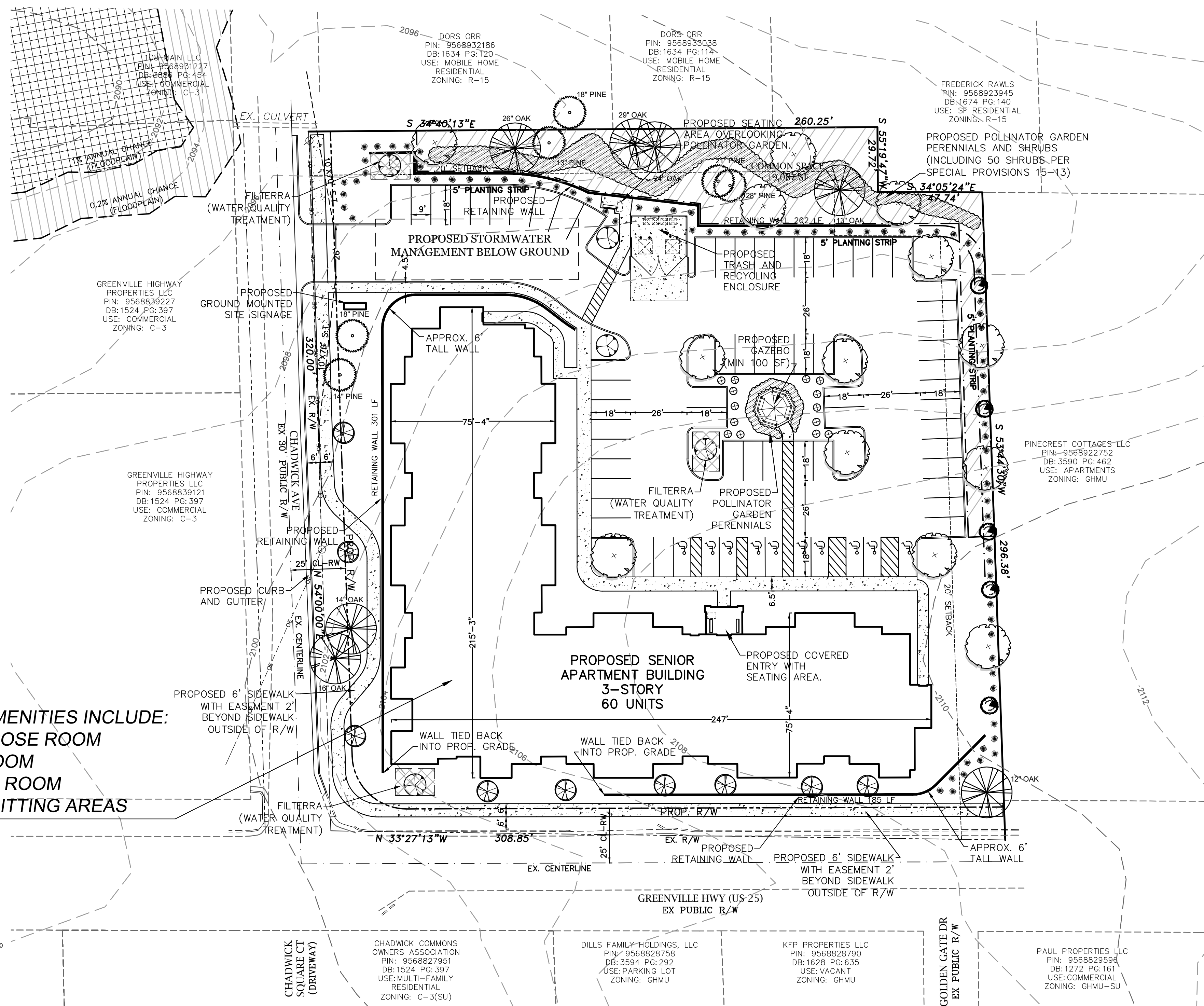
DEVELOPED BY:
**BROADCASTRAFT
CONSTRUCTION &
DEVELOPEMENT, INC**
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

REZONING
SITE PLAN

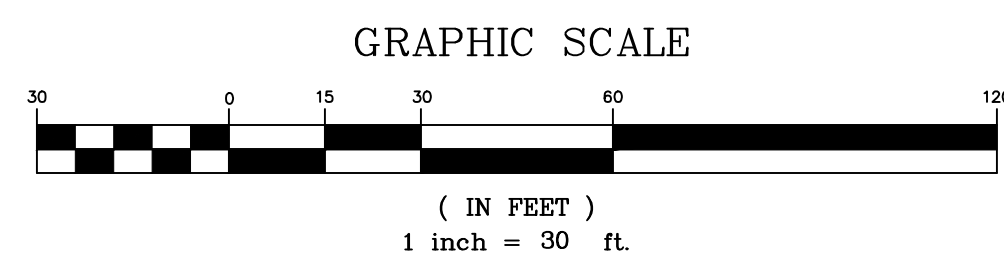
REVISIONS		
1	2/2/24	OWNER REVISION
2	2/21/24	HENDERSONVILLE COMMENTS
3	2/29/24	HENDERSONVILLE COMMENTS
4	3/5/24	HENDERSONVILLE COMMENTS

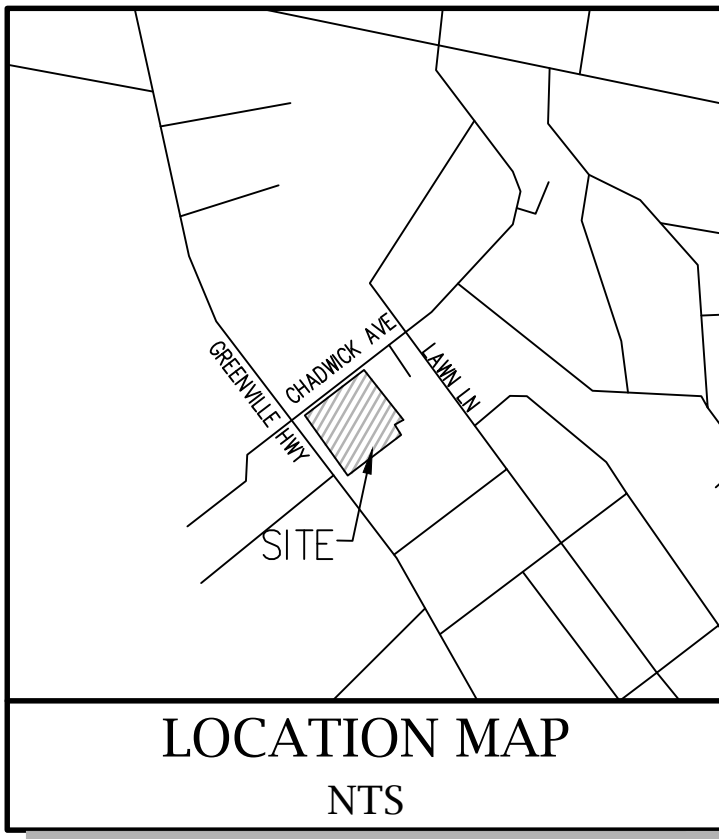
CAD FILE: 24-002 BASE.DWG
PROJECT NO.: 24-002
DESIGNED BY: JDM
DATE: JANUARY 29, 2024

RZ1.0



BUILDING AMENITIES INCLUDE:
-MULTIPURPOSE ROOM
-FITNESS ROOM
-COMPUTER ROOM
-3 INDOOR SITTING AREAS

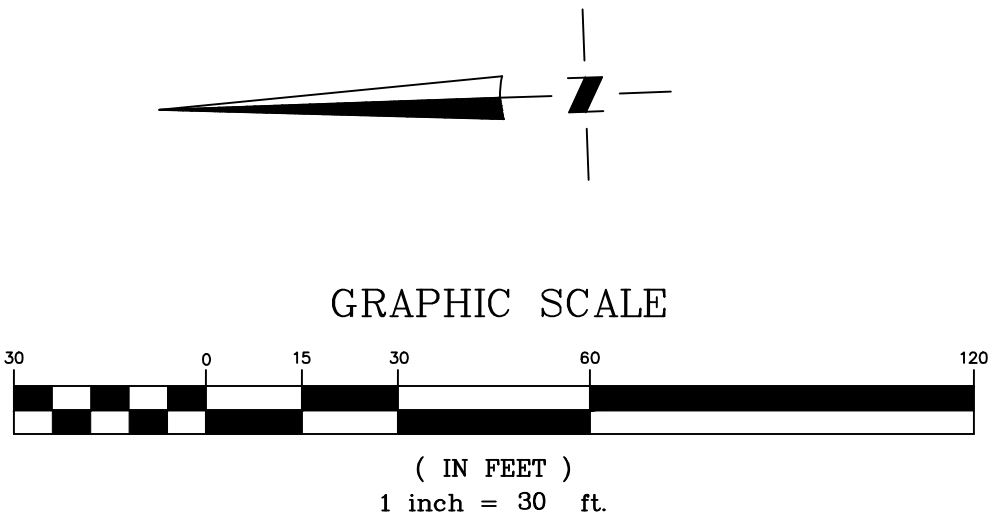




EXISTING TREES TO REMAIN
(12 TREES)

EXISTING TREES TO BE REMOVED
(48 TREES)

TREE LEGEND



MC ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
THE LOFTS AT CHADWICK
APARTMENTS
CHADWICK AVE
HENDERSONVILLE, NC

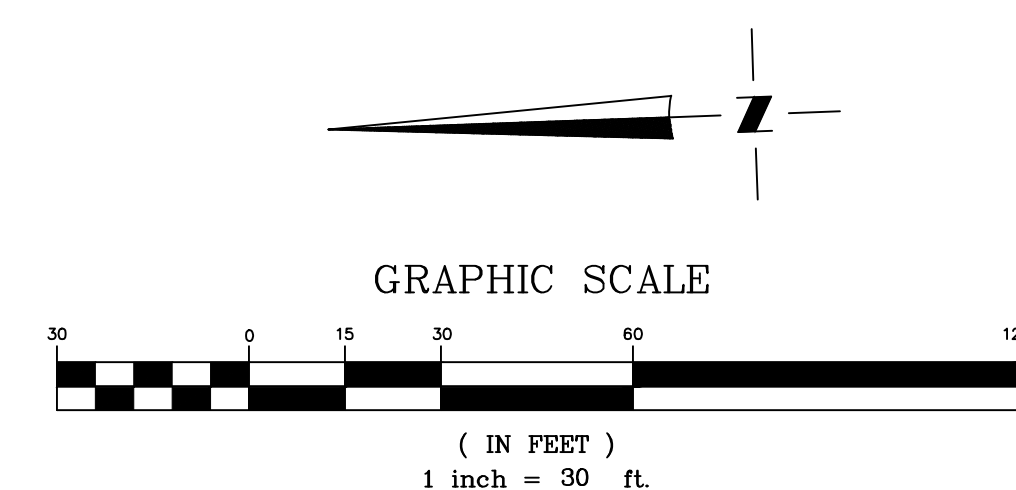
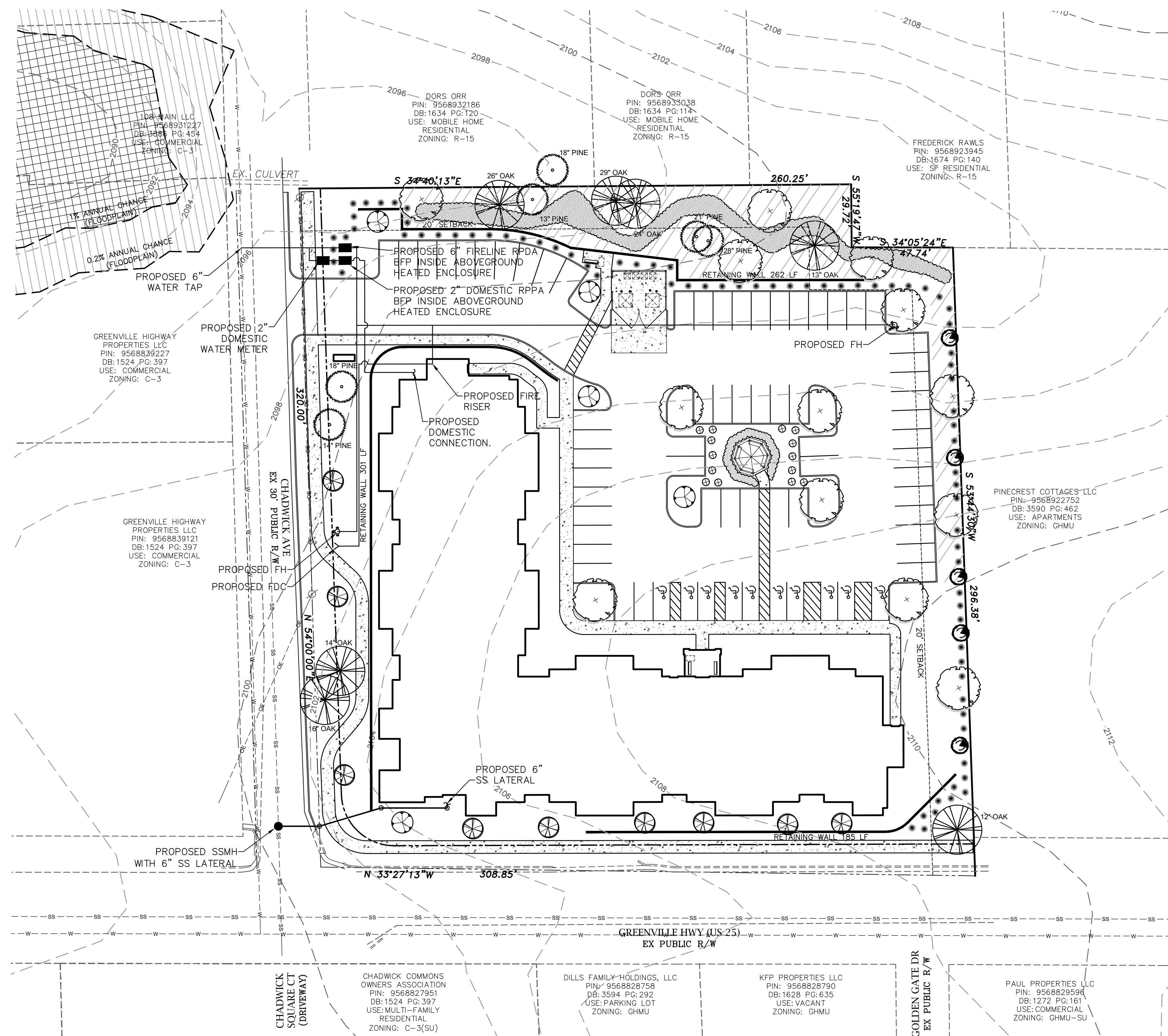
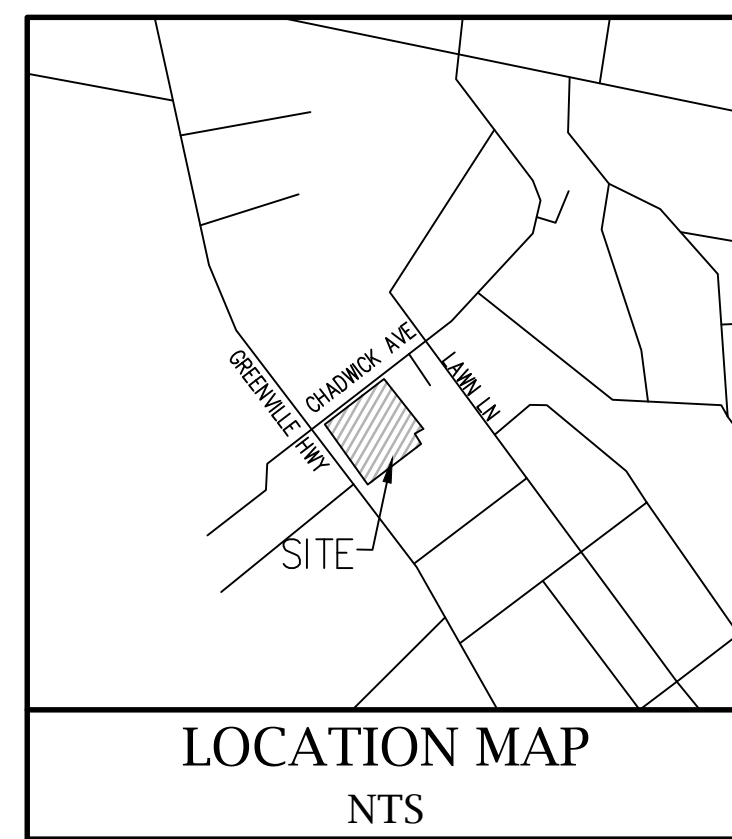
DEVELOPED BY:
BROADCASTRAFT
CONSTRUCTION &
DEVELOPEMENT, INC
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

REZONING
TREE SURVEY

REVISIONS			
2	2/21/24	HENDERSONVILLE	COMMENTS

CAD FILE: 24-002 BASE.DWG
PROJECT NO.: 24-002
DESIGNED BY: JDM
DATE: JANUARY 29, 2024

RZ2.0



Mc²
ENGINEERING

MC ENGINEERING, INC.
2110 BEN CRAIG DR., STE. 400
CHARLOTTE, NC 28262
PHONE 704.510.9797

PROPOSED DEVELOPMENT:
THE LOFTS AT CHADWICK
APARTMENTS
CHADWICK AVE
HENDERSONVILLE, NC

DEVELOPED BY:
**BROADCAST
CONSTRUCTION &
DEVELOPEMENT, INC**
ROCKBRIDGE ROAD
MILLS RIVER, NC 28759

SCHEMATIC UTILITY PLAN

[illegible]

CAD FILE: 24-002 BASE.DWG
PROJECT NO.: 24-002
DESIGNED BY: JDM
DATE: JANUARY 29, 2024

RZ3.0



THE LOFTS AT CHADWICK

UNIT MIX:

QUANTITY	UNIT	BEDROOMS	AREA	DESCRIPTION
1	1A-S	One Bedroom	660 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars; Also Includes Audio & Visual Impaired Accommodations in Designated Unit)
1	1A-S END	One Bedroom	905 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars;
1	2A-S	Two Bedrooms	921 sf	Accessible Type 'A' Unit w/ Roll-In Shower (Includes Accessible Work Space & Grab Bars; Also Includes Audio & Visual Impaired Accommodations in Designated Unit)
1	1A	One Bedroom	660 sf	Accessible Type 'A' Unit w/ Bathtub (Includes Accessible Work Space & Grab Bars)
2	2A	Two Bedrooms	921 sf	Accessible Type 'A' Unit w/ Bathtub (Includes Accessible Work Space & Grab Bars)
12	1B	One Bedroom	660 sf	Accessible Type 'B' Unit w/ Bathtub
2	1B END	One Bedroom	905 sf	Accessible Type 'B' Unit w/ Bathtub
14	2B	Two Bedrooms	921 sf	Accessible Type 'B' Unit w/ Bathtub
13	1B-C	One Bedroom	660 sf	Accessible Type 'B' Unit w/ Curb Shower
13	2B-C	Two Bedrooms	921 sf	Accessible Type 'B' Unit w/ Curb Shower

60 Total Units

AREAS:

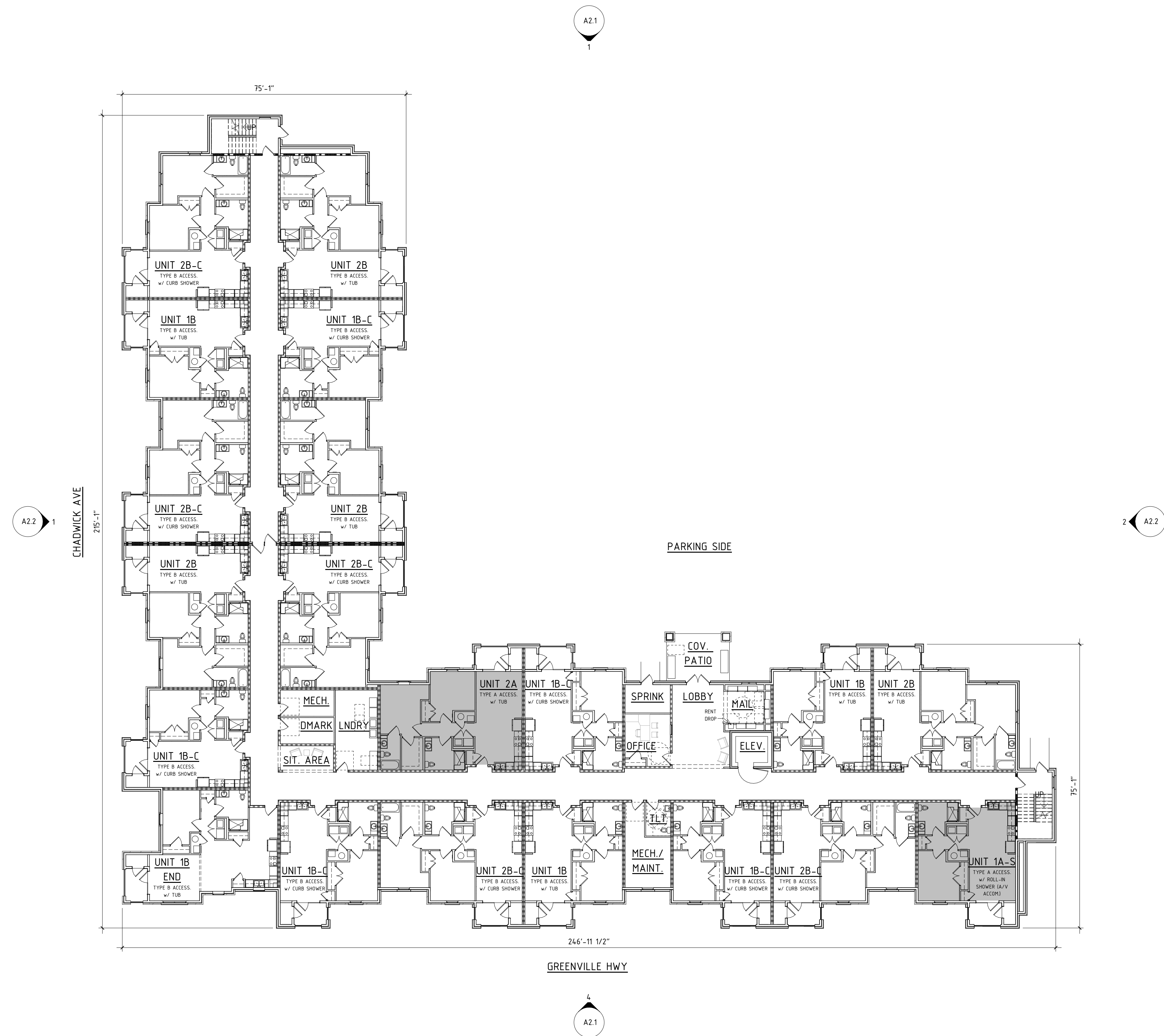
STORY	BUILDING GROSS AREA	BUILDING NET AREA
First Floor	24,193 sf	22,259 sf
Second Floor	24,119 sf	22,259 sf
Third Floor	23,902 sf	22,259 sf
	72,214 sf	66,777 sf

AMENITIES:

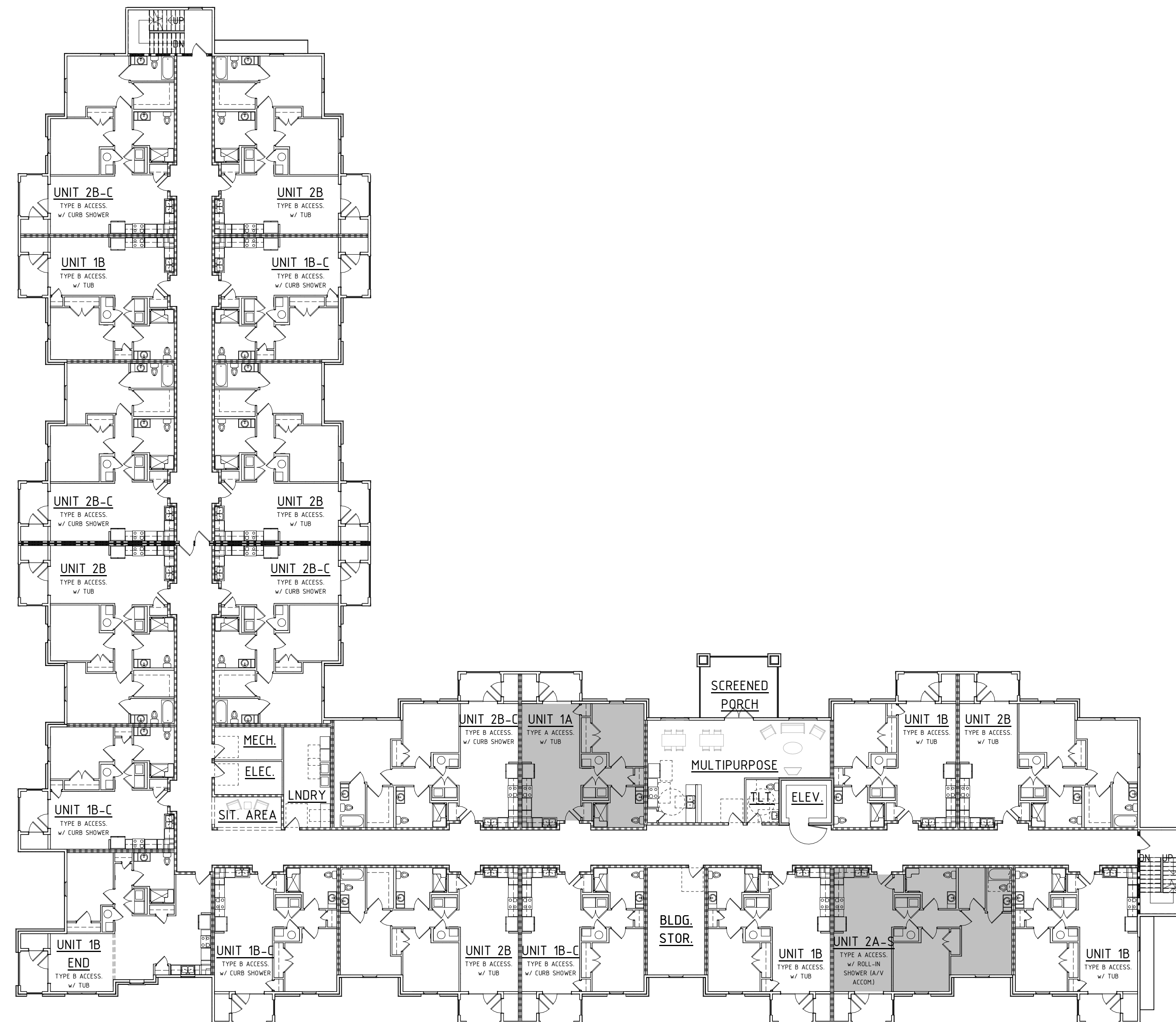
REQUIRED AMENITIES	ADDITIONAL REQUIRED AMENITIES (3)
-INDOOR SITTING AREAS (MIN. 3)	-COMPUTER ROOM
-MULTIPURPOSE ROOM (MIN. 250 SF)	-EXERCISE ROOM
-GAZEBO	-SCREENED PORCH

OTHER AMENITIES
-LAUNDRY ROOM
-MAIL AREA
-OFFICE
-TENANT STORAGE
-LIBRARY
-TV LOUNGE

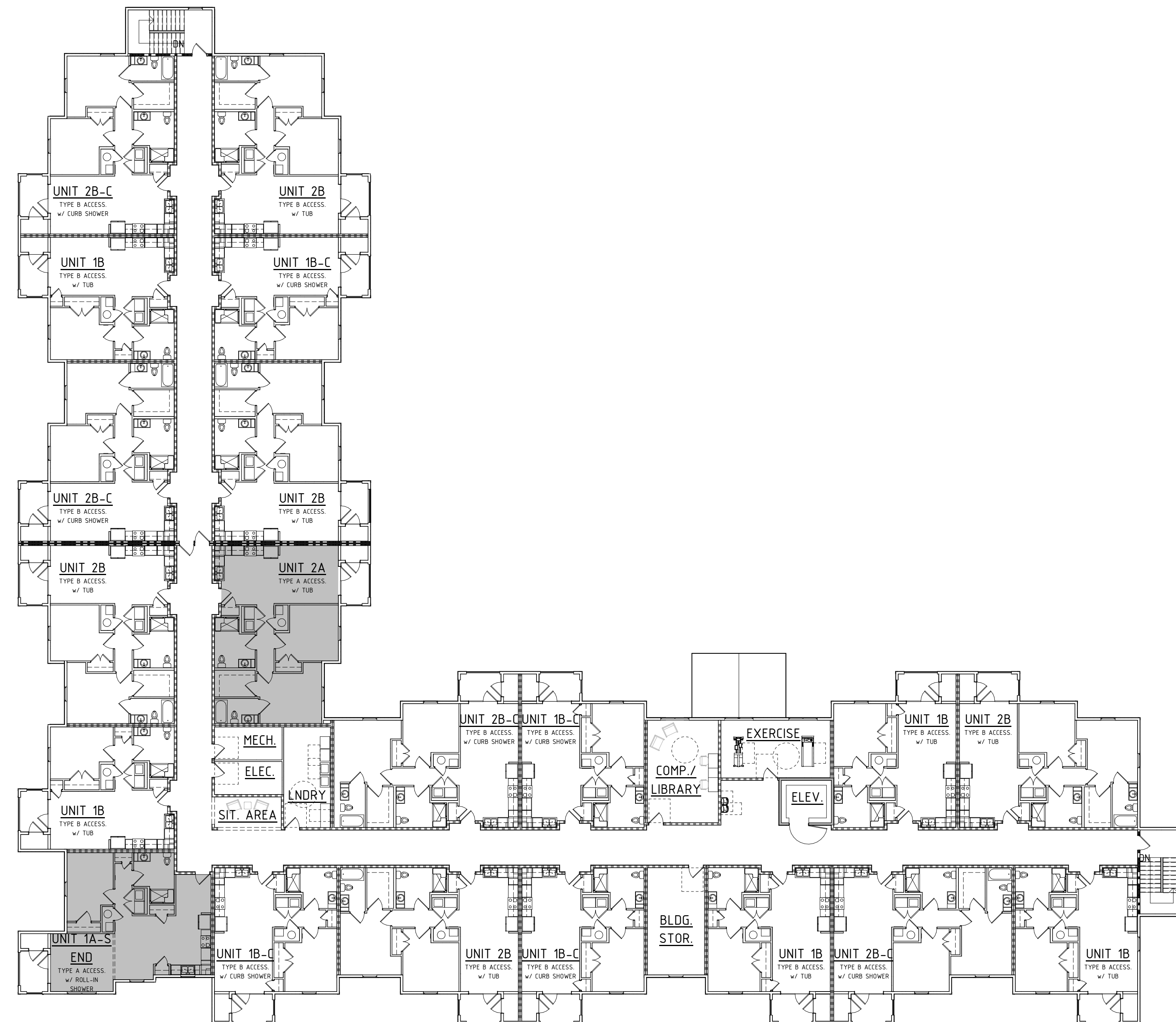
NOTES:
-ALL SITE AMENITY LOCATIONS WILL BE FIELD LOCATED BY DEVELOPER. ALL BENCHES, PICNIC TABLES, AND BIKE RACKS WILL BE INSTALLED ON CONCRETE PADS.



1 FIRST FLOOR PLAN
1/16" = 1'-0"



① SECOND FLOOR PLAN
1/16" = 1'-0"



① THIRD FLOOR PLAN
1/16" = 1'-0"



4 WEST ELEVATION (GREENVILLE HWY)
1/8" = 1'-0"

BUILDING MATERIALS:

- A. 30 YEAR ANTIFUNGAL DIMENSIONAL ASPHALT ROOF SHINGLES w/ METAL DRIP EDGE (TYP)
- B. ALUMINUM GUTTERS & DOWNSPOUTS (WHITE)
- C. DECORATIVE GABLE VENTS & BRACKETS (WHITE)
- D. AWNINGS WITH STANDING SEAM METAL ROOF & BRACKETS (WHITE)
- E. FIBER CEMENT LAP SIDING (TYP)
- F. ACCENT FIBER CEMENT SHAKE SIDING
- G. PORCHES & BALCONIES WITH ACCENT FIBER CEMENT PANELING & BATTENS AND METAL RAILINGS (WHITE)
- H. VINYL WINDOWS
- I. 4" FIBER CEMENT WINDOW & DOOR TRIM (WHITE)
- J. BRICK VENEER w/ CONTINUOUS ROWLOCK SILL
- K. FIBER CEMENT CLAD COLUMNS w/ BRICK BASE

NOT SHOWN:

- MECHANICAL UNITS: ON GROUND WITH LANDSCAPE SCREENING
- BUILDING SIGNAGE: MONUMENT SIGN WITH SAND BLASTED PVC & BRICK
- LIGHTING: TO BE TO CITY OF HENDERSONVILLE STANDARDS WITH PLAN SUBMITTED AT LATER DATE FOR APPROVAL

RESPONSE TO DRC COMMENTS V1:

- 5-22-4.15 ARCHITECTURAL DETAILS PROVIDED (MINIMUM 3 REQUIRED PER FACADE):
 - GABLES
 - EAVES (MINIMUM 12")
 - OFF-SETS IN BUILDING FACE & ROOF
 - WINDOW TRIM (4" WIDE NOMINAL)
 - BALCONIES
 - DECORATIVE PATTERNS (SHINGLE SIDING; AWNINGS W/ BRACKETS)
- BRICK PERCENTAGES (MINIMUM 15% REQUIRED PER FACADE):
 - EAST ELEVATION (PARKING) = 16%
 - NORTH ELEVATION (CHADWICK AVE) = 18%
 - SOUTH ELEVATION = 16%
 - WEST ELEVATION (GREENVILLE HWY) = 20%
- 5-22-4.17 WINDOWS:
 - ALL WINDOWS, DOORS AND CORNERS TO BE TRIMMED WITH MINIMUM 4" WIDE TRIM, NOMINAL
- 5-22-4.3.4 GROUND FLOOR FRONTAGE (MINIMUM 20% WINDOWS & DOORWAYS WITHIN 20FT OF SIDEWALK):
 - NORTH ELEVATION (CHADWICK AVE) = 20%
 - WEST ELEVATION (GREENVILLE HWY) = 21%
- 18-6-4.5 ARCHITECTURAL DETAILING:
 - CORNER OF BUILDING IS DISTINCTIVE, WITH WINDOWS, DOORS, EAVES & BALCONIES AND A SEPARATE ROOF



1 EAST ELEVATION (PARKING)
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"

BUILDING MATERIALS: <ul style="list-style-type: none">A. 30 YEAR ANTIFUNGAL DIMENSIONAL ASPHALT ROOF SHINGLES w/ METAL DRIP EDGE (TYP)B. ALUMINUM GUTTERS & DOWNSPOUTS (WHITE)C. DECORATIVE GABLE VENTS & BRACKETS (WHITE)D. AWNINGS WITH STANDING SEAM METAL ROOF & BRACKETS (WHITE)E. FIBER CEMENT LAP SIDING (TYP)F. ACCENT FIBER CEMENT SHAKE SIDINGG. PORCHES & BALCONIES WITH ACCENT FIBER CEMENT PANELING & BATTENS AND METAL RAILINGS (WHITE)H. VINYL WINDOWSI. 4" FIBER CEMENT WINDOW & DOOR TRIM (WHITE)J. BRICK VENEER w/ CONTINUOUS ROWLOCK SILLK. FIBER CEMENT CLAD COLUMNS w/ BRICK BASE NOT SHOWN: <ul style="list-style-type: none">MECHANICAL UNITS: ON GROUND WITH LANDSCAPE SCREENINGBUILDING SIGNAGE: MONUMENT SIGN WITH SAND BLASTED PVC & BRICKLIGHTING: TO BE TO CITY OF HENDERSONVILLE STANDARDS WITH PLAN SUBMITTED AT LATER DATE FOR APPROVAL	
RESPONSE TO DRC COMMENTS V1: <ul style="list-style-type: none">5-22-4.15 ARCHITECTURAL DETAILS PROVIDED (MINIMUM 3 REQUIRED PER FACADE):<ul style="list-style-type: none">GABLESEAVES (MINIMUM 12")OFF-SETS IN BUILDING FACE & ROOFWINDOW TRIM (4" WIDE NOMINAL)BALCONIESDECORATIVE PATTERNS (SHINGLE SIDING; AWNINGS W/ BRACKETS)BRICK PERCENTAGES (MINIMUM 15% REQUIRED PER FACADE):<ul style="list-style-type: none">EAST ELEVATION (PARKING) = 16%NORTH ELEVATION (CHADWICK AVE) = 18%SOUTH ELEVATION = 16%WEST ELEVATION (GREENVILLE HWY) = 20%5-22-4.17 WINDOWS:<ul style="list-style-type: none">ALL WINDOWS, DOORS AND CORNERS TO BE TRIMMED WITH MINIMUM 4" WIDE TRIM, NOMINAL5-22-4.3.4 GROUND FLOOR FRONTAGE (MINIMUM 20% WINDOWS & DOORWAYS WITHIN 20FT OF SIDEWALK):<ul style="list-style-type: none">NORTH ELEVATION (CHADWICK AVE) = 20%WEST ELEVATION (GREENVILLE HWY) = 21%18-6-4.5 ARCHITECTURAL DETAILING:<ul style="list-style-type: none">CORNER OF BUILDING IS DISTINCTIVE, WITH WINDOWS, DOORS, EAVES & BALCONIES AND A SEPARATE ROOF	



1 NORTH ELEVATION (CHADWICK AVE)
1/8" = 1'-0"



NEIGHBORHOOD COMPATIBILITY MEETING REPORT
THE LOFTS AT CHADWICK (P24-04-CZD)
NCM MEETING DATES: FEBRUARY 1ST, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)
 APPLICANT/PETITIONER: Stephen Drake (President) – Broadcast Construction & Development Inc (Applicant)

Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

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

There were 16 members of the public in attendance in-person while 5 attended virtually. The applicant and their development team were present as were 2 members of City staff.

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

There were six pre-submitted which were provided to the developer prior to the meeting to read and respond to during the meeting.

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

Concerns and questions from the public related to:

- The need for additional parking.
- Increased traffic from this development and current traffic conditions.
- Flooding, and the addition of more impervious surfaces.
- Stormwater retention and requirements.
- The need for affordable housing units, especially for seniors.
- The term length of how long the units are required to remain affordable.
- Proposed entrance location in relation to the intersection of Chadwick Ave. and Greenville Highway.
- Whether or not a Traffic Impact Analysis was required (it was not).
- Concerns about flooding and its impact on emergency service response to the development.
- Having a local management team in place on site.

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



TREE BOARD RECOMMENDATION
THE LOFTS AT CHADWICK (P24-04-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcast Construction & Development Inc (applicant)
 Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at their regular meeting on Tuesday February 20th, 2024. The following Tree Board members were present: Janet Thew (Chair), Becca Doll, Mary Davis, Glenn Lange

SUMMARY

There are a total of 60 trees that are 12" or greater DBH on the site. 12 of the existing trees are proposed to be preserved while 48 trees are slated for removal.

MOTION

Based on the Landscape Plans provided on 2/05/24, the Tree Board recommends the following conditions:

1. Invasive trees, shrubs and ground cover shall be removed, particularly English Ivy, throughout the site, especially for the trees that are preserved. Care shall be taken to not substantively disturb the root systems of preserved trees. Invasive trees and shrubs can be cut off at ground level and the stump treated to kill the roots. Control of English Ivy shall be confined to the recommendations found in the North Carolina Extension publication "Controlling English Ivy in Urban Landscapes". **Developer Agreed.**
2. Oak trees are part of a group of native plants known as Keystone Plants which are defined as plants critical to the food web and necessary for many wildlife species to complete their life cycle. Since this development will be removing 35 oak trees, it is the Tree Board's recommendation that where required large maturing or canopy trees are to be planted, species of the genera Quercus (oaks), Acer (maples), and Carya (hickories) be used. **Developer Agreed**
3. All preserved trees shall be protected from grading and construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. **Developer did not agree to this condition. Developer proposed counter condition provided in the staff report and on the site plan.**



TREE BOARD RECOMMENDATION

THE LOFTS AT CHADWICK (P24-04-CZD)

MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: The Lofts at Chadwick- Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: Stephen Drake (President) – Broadcast Construction & Development Inc
(applicant)

Brett Barry (Manager) – Gordon Dooley Holdings LLC [Owner]

4. Since a stream buffer is required on the east side of this site, the Tree Board recommends that the waterway along the east side of the site be naturally restored using native plants to reduce erosion, provide additional wildlife habitat, and incorporate the necessary buffer yard planting materials within the boundaries of the subject property. The area to be restored and planted shall be a minimum of 30 feet wide. A restoration plan must be approved by the planning staff and the Tree Board requests the opportunity to review the plan. Restoration guidelines contained in the following publications shall be followed: Small-scale Solutions to Eroding Stream Banks (published by the NC Cooperative Extension) and Stream Restoration: A Natural Channel Design Handbook (published by the NC Stream Restoration Institute) **Developer did not agree to this condition. Developer proposed counter condition provided in the staff report and on the site plan.**

The Tree Board's recommended conditions, above, are based on the following guiding city code documents: Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement, Section 3.1 Purpose, Sections 3.2 and Section 3.3, Goal NR-1, Strategy NR 1.1 and NR 1.2 and Goal NR-2, Strategy 2.3; and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to the prioritization of existing tree canopy.

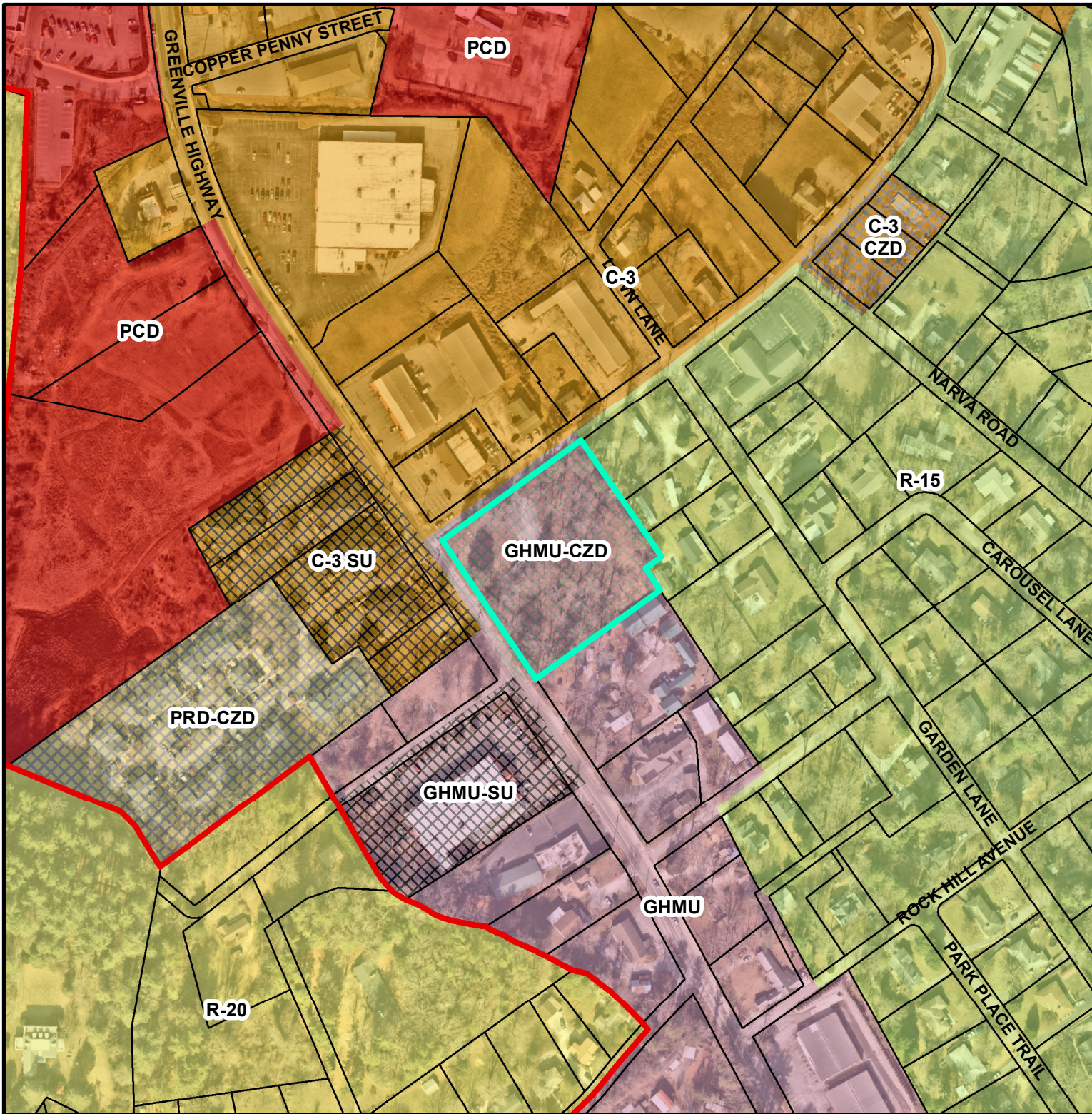
BOARD ACTION

Motion/Second: Lange/Doll

Yeas: All

Nays: None

Recused: None



The Lofts at Chadwick
P24-04-CZD
PIN: 9568-92-1924
Acreage: 2.25
Proposed Zoning
GHMU-CZD to GHMU-CZD

- Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
- CZD Conditional Zoning Districts
 - R-20 Low Density Residential
 - R-15 Medium Density Residential
 - Planned Residential Development Conditional Zoning District
 - C-3 Highway Business
 - C-3SU Highway Business Special Use
 - PCD Planned Commercial Development
 - GHMU Greenville Highway Mixed Use
 - GHMU-SU Greenville Highway Mixed Use Special Use



Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR THE PARCEL POSSESSING PIN NUMBER: 9568-92-1924 BY CHANGING THE ZONING DESIGNATION FROM GHMU-CZD, GREENVILLE HIGHWAY MIXED USE CONDITIONAL ZONING DISTRICT TO GHMU-CZD, GREENVILLE HIGHWAY MIXED USE CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9568-92-1924
Address: 904 Greenville Highway

The Lofts at Chadwick: (File # P24-04-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Stephen Drake (President), of Broadcast Construction & Development Inc. and property owner, Brett Barry (Manager) of Gordon Dooley Holdings LLC., for the construction of 60 low income housing tax credit senior multi-family units on approximately 2.25 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on March 14th, 2024; voting 0-0 to recommend/not recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on April 4th, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-92-1924, changing the zoning designation from GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District to GHMU-CZD, Greenville Highway Mixed Use Conditional Zoning District.
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the master site plan submitted by the applicant revision dated March 5th 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Residential, Multi-Family
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

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

Adopted this 4th day of April 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

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

IN RE: Parcel Numbers: 9568-92-1924
 Addresses: 904 Greenville Highway
 The Lofts at Chadwick: (File # P24-04-CZD)

Applicant/Developer: Stephen Drake
(President), of Broadcast Construction &
Development Inc

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Brett Barry (Manager) of Gordon
Dooley Holdings LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

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

www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

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

- ☒ 1. Completed Pre-Application meeting with Planning Staff
- ☒ 2. Scheduled Neighborhood Compatibility Meeting
NCM Date: 2/1/2024 Time: 2:00 pm
- ☒ 3. Water and Sewer Availability Request
- ☒ 4. Completed Application Form
- ☒ 5. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☒ 6. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☒ 7. Detailed explanation of any Proposed Development Description
- ☒ 8. Application Fee
- 9. Transportation Impact Analysis - Required for complete application but not due until 24 calendar days prior to Planning Board Meeting (if required)

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

Office Use:

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

A. Applicant Contact Information

Stephen Drake

* Printed Applicant Name

BroadCraft Construction & Development, Inc.

Printed Company Name (if applicable)

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Stephen Drake

Applicant Signature

president

Applicant Title (if applicable)

195 Rockbridge Road

Address of Applicant

Mills River, NC 28759

City, State, and Zip Code

828-551-6970

Telephone

stephen@BroadCraftConstruction.com

Email

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

[Application Continued on Next Page]

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

Brett Barry

*Printed Owner Name (Authorized Representative for entities other than individuals)

Gordon Dooley Holdings, LLC

Printed Company Name (if applicable, check corresponding box below)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____



Property Owner/Authorized Representative Signature

Member / Manager

Brett Barry

02/27/24

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

1638 Canty Ln., Charleston, SC 29407

City, State, and Zip Code

562-522-7427

Telephone

bgb126@hotmail.com

Email

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

02/27/24

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

C. Property Information

Name of Project: The Lofts at Chadwick

PIN(s): NC PIN 9568921924, Henderson County REID 106592

Address(es) / Location of Property:

904 Greenville Highway, Hendersonville, Henderson County, North Carolina

Type of Development: ☒ Residential ☐ Commercial ☐ Other

Current Zoning: GMHU-CZD

Total Acreage: 2.19

Proposed Zoning: GMHU-CZD

Proposed Building Square Footage: 72,214 Gross SqFt

Number of Dwelling Units: 60

List of Requested Uses:

Residential for the (60) apartment units to include all common area & office areas for support staff.

D. Proposed Development Conditions for the Site

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

(60) Apartment units to be included within one building to be used to provide housing for seniors aged 55 and over. The apartments shall be developed using tax credit funding and will be income-restricted by the guidelines and requirements set forth by the state and federal government. The site will have (71) parking spaces, and we will attempt to save any existing trees we are able to and incorporate them into a lush landscaping to be provided using planting native to the area, along with additional flowering type trees. Storm water system (underground detention system) shall be designed to meet all requirements by the state. The building will include common area amenities for the seniors living at the property which will likely include a community room with kitchenette, exercise room, computer room, sitting areas-sun rooms, on-site laundry facilities, janitorial and maintenance rooms, and office areas for support staff.



BUSINESS CORPORATION ANNUAL REPORT

Section 5, Item A.

NAME OF BUSINESS CORPORATION: BroadCraft Construction & Development, Inc.

SECRETARY OF STATE ID NUMBER: 0677750

STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2022

Filing Office Use Only

E - Filed Annual Report

0677750

CA202306802593

3/9/2023 01:30

☒ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Drake, Stephen

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

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

195 Rockbridge Road

195 Rockbridge Road

Mills River, NC 28759-3500 Henderson County

Mills River, NC 28759-3500

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: General Construction & Development

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 551-6970

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

195 Rockbridge Road

195 Rockbridge Road

Mills River, NC 28759-3500

Mills River, NC 28759-3500

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

☐

The company is a veteran-owned small business

☐

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

SECTION C: OFFICERS (Enter additional officers in Section E.)

NAME: Stephen Drake

NAME: _____

NAME: _____

TITLE: President

TITLE: _____

TITLE: _____

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

195 Rockbridge Road

Mills River, NC 28759

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

Stephen Drake

3/9/2023

SIGNATURE

DATE

Form must be signed by an officer listed under Section C of this form.

Stephen Drake

President

Print or Type Name of Officer

Print or Type Title of Officer

This Annual Report has been filed electronically.

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

MEMBER RESOLUTION
OF
GORDON DOOLEY HOLDINGS LLC

We, the undersigned Member(s) of Gordon Dooley Holdings LLC, a limited liability company duly organized and existing under the laws of South Carolina (hereinafter the "Company"), with authority granted in the Operating Agreement to make binding resolutions on behalf of the Company, hereby resolve:

that Brett Barry is appointed as Chairman of the Company

By affirmative votes noted as signatures below, a majority vote of the Members of Gordon Dooley Holdings LLC with authority to bind the Company approves the form and content of this resolution, to be effective immediately.

MEMBERS

Patrick Barry	1/10/2022
_____	_____
Patrick Barry	Date
Member	

Denise Barry	1/10/2022
_____	_____
Denise Barry	Date
Member	

Brett Barry	1/10/2022
_____	_____
Brett Barry	Date
Member	

Mary Barry

1/10/2022

Mary Barry
Member

Date

<p>The petition aligns with the City’s 2030 Comprehensive Plan’s Goals for the “Medium Intensity Neighborhood” Future Land Use Designation to provide local and public and institutional uses.</p> <p>4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. The proposed rezoning includes no new construction but enhances existing site parking.2. The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses.3. The proposed use meets a community need for additional childcare options for working parents. <p>[DISCUSS & VOTE]</p>	
---	--

***SUMMARY:** The site plan highlights a desire to change the permitted use of an existing 11,441 square footage single story building which was most recently used as Blue Ridge Retirement Home at 913 9th Ave. W. 917 9th Ave. W. previously had a single family dwelling on it which has since been demolished. The subject property is made up of two individual parcels totaling 0.95 acres.*

The site plan shows no new building construction. The existing single story structure, which is approximately 11,441 sqft, remains, with the primary change to the site consisting of a revised parking layout. The parking reconfiguration utilizes the now vacant 917 parcel.

The site plan is required to meet common open space requirements. Although not identified, the preliminary plan appears to meet that standard, a condition is included for confirmation. The site plan includes the preservation of 7 hardwoods along the northern boundary and 3 hardwoods along the southern boundary, including a 48” Oak & 60” Maple.

The existing structure location requires relief from certain buffering standards along the northern and eastern edge of the property, the landscape plan illustrates the treatment proposed on these edges.

PROJECT/PETITIONER NUMBER:	P24-04-CZD
PETITIONER NAME:	<ul style="list-style-type: none">• David Lee, New Leaf Sales LLC [Applicant/Owner]
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Neighborhood Compatibility Summary

	<div>3. Tree Board Summary</div> <div>4. Proposed Zoning Map</div> <div>5. Draft Ordinance</div> <div>6. Application / Owner Signature Addendum</div>
--	---

REZONING: CONDITIONAL REZONING – KID CITY USA(P23-066-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 13

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 14



PROJECT SUMMARY

- Project Name & Case #:
 - Kid City USA
 - P23-066-CZD
- Applicant & Property Owner:
 - David Lee, New Leaf Sales LLC [Applicant]
 - David Lee, New Leaf Sales LLC [Owner]
- Property Address:
 - 913 & 917 9th Ave. W.
- Project Acreage:
 - 0.95 Acres
- Parcel Identification (PINs):
 - 9569-40-2580
 - 9569-40-3593
- Current Parcel Zoning:
 - R-15, Medium Density Residential
- Requested Zoning:
 - PID-CZD, Planned Institutional Development Conditional Zoning District
- Requested Uses:
 - Child care centers registered with the NC Department of Health and Human Services (DHSS)
- Future Land Use Designation:
 - Medium Intensity Neighborhood
- Neighborhood Compatibility Meeting:
 - August 30th, 2023



SITE VICINITY MAP

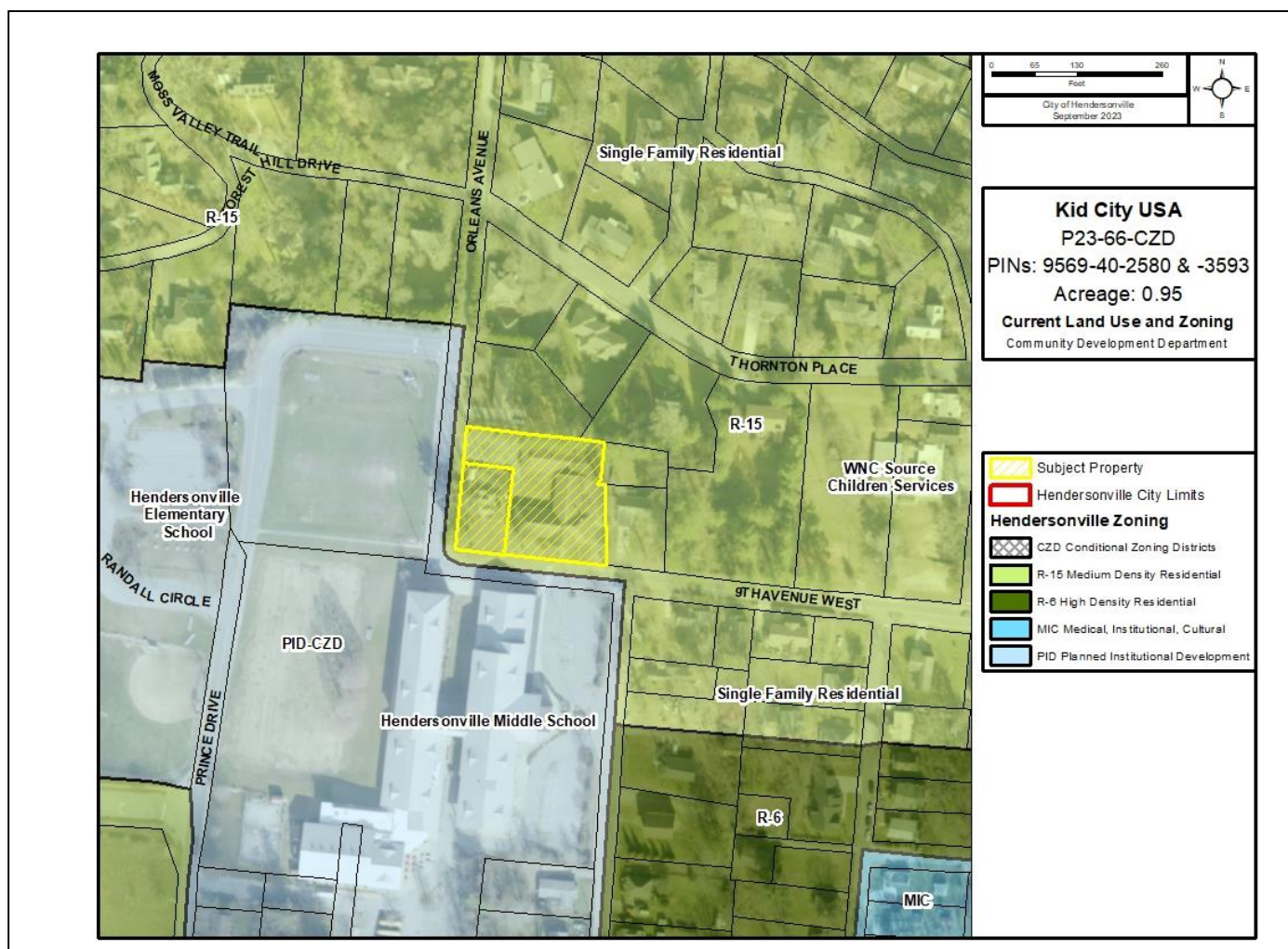
The site plan highlights a desire to change the permitted use of an existing 11,441 square footage single story building which was most recently used as Blue Ridge Retirement Home at 913 9th Ave. W. 917 9th Ave. W. previously had a single family dwelling on it which has since been demolished. The subject property is made up of two individual parcels totaling 0.95 acres.

The site plan shows no new building construction. The existing single story structure, which is approximately 11,441 sqft, remains, with the primary change to the site consisting of a revised parking layout. The parking reconfiguration utilizes the now vacant 917 parcel.

The site plan is required to meet common open space requirements. Although not identified, the preliminary plan appears to meet that standard, a condition is included for confirmation. The site plan includes the preservation of 7 hardwoods along the northern boundary and 3 hardwoods along the southern boundary, including a 48" Oak & 60" Maple.

The existing structure location requires relief from certain buffering standards along the northern and eastern edge of the property, the landscape plan illustrates the treatment proposed on these edges.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned R-15 Medium Density residential. One of the subject parcels operated as a non-conforming retirement home before closing. The other subject property operated as a single-family dwelling. The single-family dwelling has since been demolished, and only the former retirement home remains.

This area does have an education/campus like feel due to the close proximity to Hendersonville Elementary school and Hendersonville Middle School and associated sport facilities. the areas outside of the educational institution is made up of single-family neighborhoods to the north and southeast. This area has historically served the community's education needs. Currently through the Hendersonville Middle and Elementary schools and historically through the Ninth Ave School and the Sixth Ave. School. Both schools were African American schools which not only served this community, but also the surrounding counties. The sixth Ave. school operated from 1916 to 1951 and the Ninth Ave. School operated from 1951 to 1965.

A legal non-conforming childcare center is currently in operation less than a block from the subject property at the corner of 9th Ave. W. and Tebeau Street. The childcare is operated by WNC Source. In addition, the larger institutional uses of the hospital are within 2 to 3 blocks of the site.

SITE IMAGES



View of existing structure located at 913 9th Ave. W. from the Hendersonville Middle School property to the south.

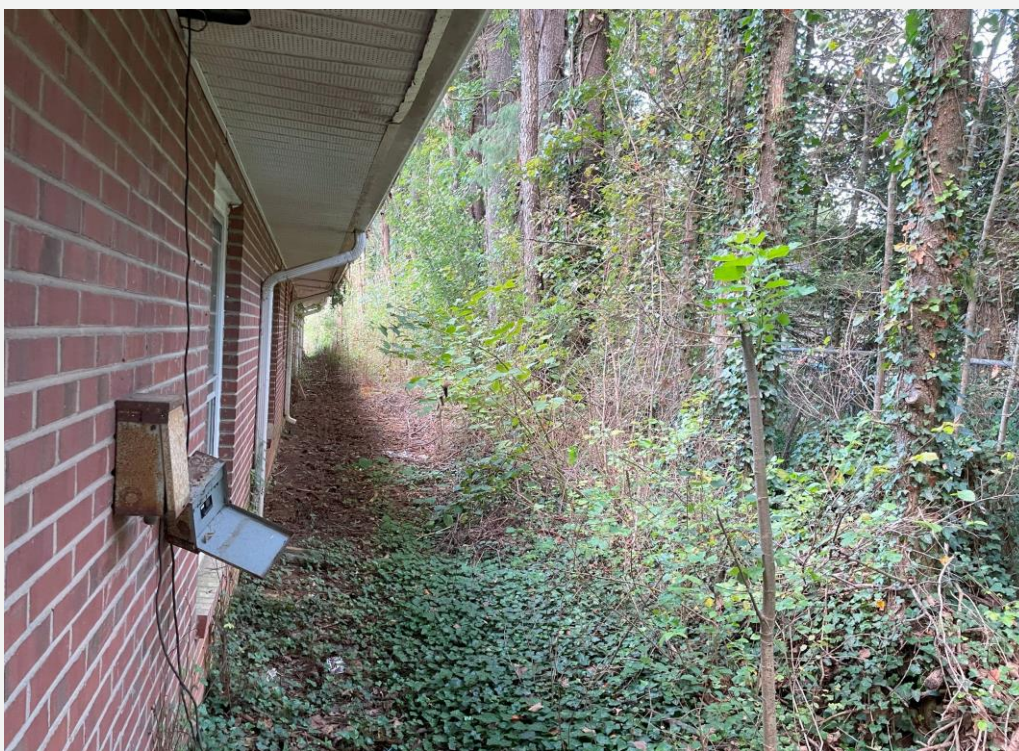


View of existing mature trees shown as preserved on the site plan. 60" Maple in the foreground and 48" oak in the background.

SITE IMAGES



View of existing drive on the eastern property boundary proposed to remain.



View of existing vegetation/buffer along the rear of the building.

SITE IMAGES



View of the vacant lot where the single-family dwelling at 917 9th Ave. W once set.



View of some of the trees that were removed from the property prior to the CZD process.

SITE IMAGES

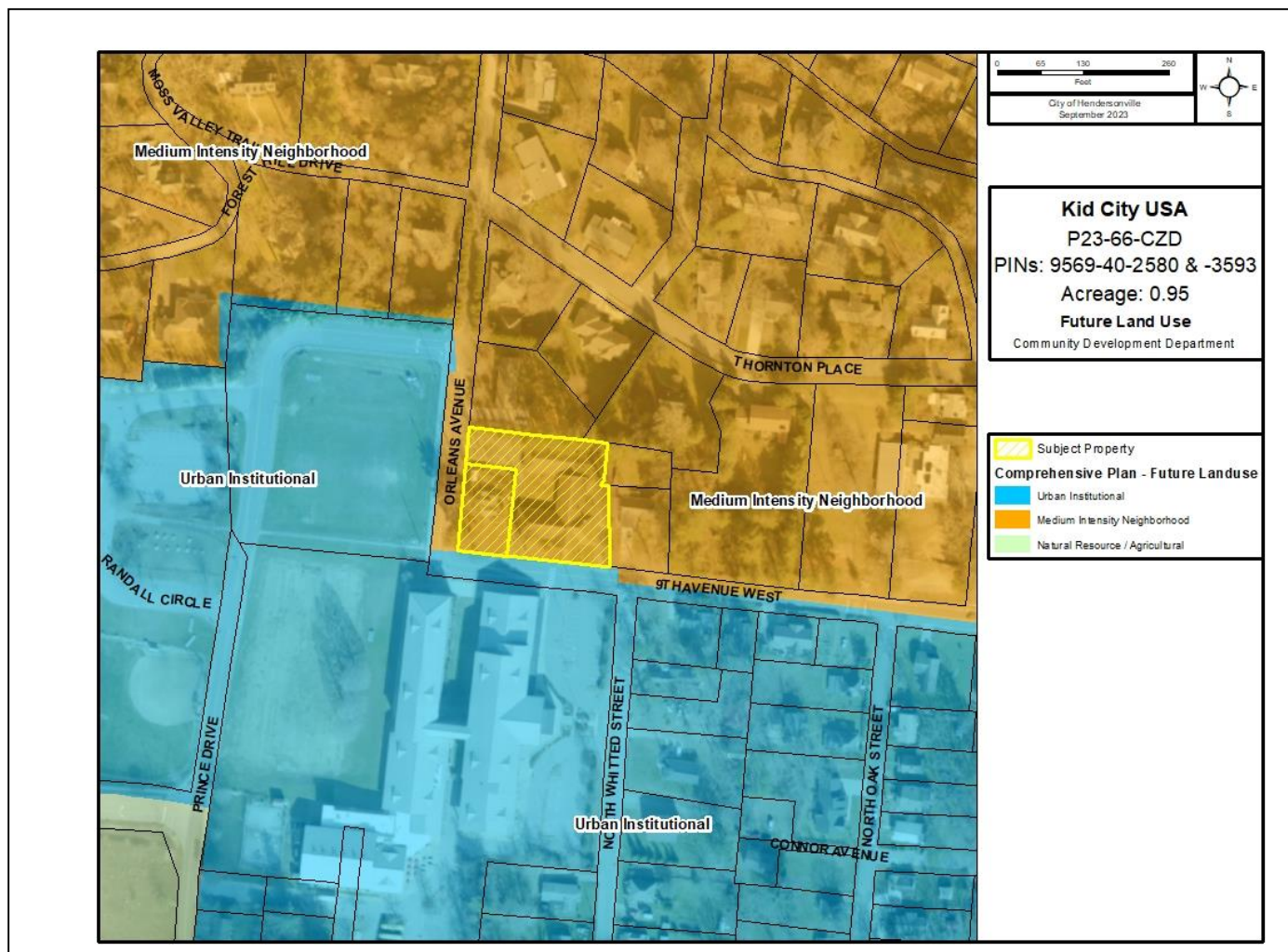


View of area proposed to be a playground.



View of mature trees and vegetation along the rear property boundary to the north.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as Medium Intensity Neighborhood in the 2030 Comprehensive Plan's Future Land Use map and fronts on a Local Street. The Medium Intensity Neighborhood encompasses all the single-family neighborhoods north of 9th Ave. W. and east of Orleans Ave. On the opposite side of Orleans Ave and 9th Ave. W. the prominent designation is Urban Institutional. This designation encompasses both Hendersonville Middle School and Hendersonville Elementary School. This designation also relates to the institution uses associated with Pardee Hospital and similar surrounding uses along US 64 (6th Ave.)

Public/Institutional uses only made up approximately 4.7% of the City's existing land uses when the 2030 Comprehensive plan was created. Local public and institutional uses are a secondary proposed land use Medium-Intensity Neighborhood.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>Goal LU-6 - Medium Intensity Neighborhood: Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.</p>
	<p>Strategy LU-6.2 Primary Land Uses:</p> <ul style="list-style-type: none"> • Single Family attached and detached [N/A] • Open Space [CONSISTENT]
	<p>Strategy LU-6.3 Secondary Land Uses:</p> <ul style="list-style-type: none"> • Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [N/A] • Planned Residential Developments [N/A] • Local public and institutional uses [CONSISTENT] • Recreational amenities [CONSISTENT]
	<p>Strategy LU-6.4 Development Guidelines:</p> <ul style="list-style-type: none"> • 2 to 8 Units per gross acre [N/A] • At least 60% Open Space [INCONSISTENT] • Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT] • Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2. [CONSISTENT]
Land Use & Development	<p>Growth Management (Map 8.3a): Designated as a “Preservation & Enhancement Area” <u>Preservation/Enhancement Areas</u> - Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies [CONSISTENT]</p>
	<p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]</p>
	<p>Goal LU-2. Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards. [CONSISTENT]</p>
	<p>Strategy LU-3.4. Promote fiscal responsibility for the City with the expansion of infrastructure and services. [CONSISTENT]</p>
	<p>Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses. [CONSISTENT]</p>
	<p><u>Infill development:</u> Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land.</p> <p>Examples of opportunities for infill development include: •</p> <ul style="list-style-type: none"> • Scattered vacant lots. • Underutilized commercial properties

Population & Housing	Goal PH-1. Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes. <i>Strategy PH-1.1 – Promote Compatible infill development...</i> <i>Action PH-1.1.1 – Develop design guidelines for infill development...</i>
	<i>Strategy PH-1.5. Maintain and enhance the public space in older neighborhoods...The addition of amenities such as sidewalks and street trees where they do not exist along with the development of neighborhood parks boosts the desirability of older neighborhoods.</i>
Natural & Environmental Resources	Goal NR-1. -Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
Cultural & Historic Resources	The subject property is approximately 0.3 miles from the Druid Hills Local Historic District. Orleans Ave flows directly into the Druid Hills district.
	The surrounding area has cultural and historic importance due to once housing the Sixth and Ninth Ave. schools as well as the close proximity to the Oakdale cemetery. Goal CR-1. Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity. <i>Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non historic properties.</i>
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	No Goals, Strategies or Actions are directly applicable to this project.
Transportation & Circulation	No Goals, Strategies or Actions are directly applicable to this project.

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	The subject property and current structure have previously been used as a commercial use. The proposed project will renovate and use the existing structure without expanding its current floor area. The surrounding area is largely made up with institutional school uses with a different childcare operating less than a block away from the subject property. The previous retirement home use was a 24 hour a day use. The hours of operations for the proposed childcare will better align with the schools already in operation in this area. The improvements trigger compliance with our landscaping requirements, enhancing site plantings, including buffering.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The previous commercial retirement home was a nonconforming use in the R-15 zoning. Since the nonconforming use ceased for 180 consecutive days, the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of this ordinance. The proposed childcare facility is going through the rezoning process in order establish a legally conforming use under PID-CZD.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	There appears to be a critical need for additional childcare options in this area based on local news articles, information provided during the Neighborhood Compatibility Meeting, local non-profit entities advocacy, local task forces, etc. The additional childcare options would work towards filling those needs, while complimenting an area that already provides a variety of educational and care facilities for children.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site is already served by City water and sewer service. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -

	<p>All trees 12” or greater DBH on the site are shown on the site plan. These trees are proposed to be retained with this development. It is worth noting that several large white pines were removed prior to this project starting the Conditional Zoning District process. The trees that were removed prior to the CZD process are not shown on the plan. The site does not contain any floodplains, blue line streams or wetlands.</p>
--	---

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The petition aligns with the City’s 2030 Comprehensive Plan’s Goals for the “Medium Intensity Neighborhood” Future Land Use Designation to provide local and public and institutional uses.

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

DRAFT [Rationale for Approval]

- *The proposed rezoning includes no new construction but enhances existing site parking.*
- *The proposed site plan includes compliance with landscaping standards, existing tree preservation and enhanced site buffering to adjacent residential uses.*
- *The proposed use meets a community need for additional childcare options for working parents.*

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

The petition aligns with the City’s 2030 Comprehensive Plan’s Goals for the “Medium Intensity Neighborhood” Future Land Use Designation to provide local and public and institutional uses.

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

DRAFT [Rational for Denial]

- *The proposed use is not compatible with adjacent residential uses.*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- The site plan accompanying this petition contains the following provisions:
 - Existing 1 story 11,441 square foot building to be converted into a childcare center.
 - The existing building is approximately 16' tall.
 - Sidewalks will be provided along Orleans Ave and tie into the existing sidewalks on 9th Ave. W.
 - The development shall meet all applicable requirements for buffering and vehicular use landscaping. A developer proposed condition is included to address the width of buffering strips typically required that the existing building does not meet.
 - The site plan shows two green space playgrounds. Th green spaces in the “horseshoe” of the building is existing, the other will be created.
 - The development will have 19 parking spaces. Our code requires 1 per employee plus 4 drop off spaces.
 - The development will retain existing access points on Orleans Ave and 9th Ave. W. Existing driveways will be brought up to current City standards.
 - The site plan shows several existing trees to be retained. The most prominent are a 60” maple and 48” oak along the 9th Ave W. frontage.
- Proposed Uses:
 - Childcare facility
- Developer Conditions:
 - Developer Proposed Concessions:
 - To allow the Type B buffer, which typically requires a 10' wide planting strip, to be reduced to accommodate existing building & driveway location and resulting spatial constraints along the northern and eastern property boundaries.
 - Developer Proposed Conditions:

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Institutional Developments (5-21) with the following exceptions:

- The type B buffer doesn't meet the full standard. Staff are supportive of the proposed developer condition, given the constraints presented by the existing building and driveway location.
- Common Open Space is required but not identified as such on the site plan.

Proposed City-Initiated Conditions:

- That the revised final site plan include the required calculations for Common Open Space and that the plan highlight the area being proposed to meet that requirement.

CITY ENGINEER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

- None

Proposed Condition:

- None

TRANSPORTATION CONSULTANT

TIA Comments:

- An

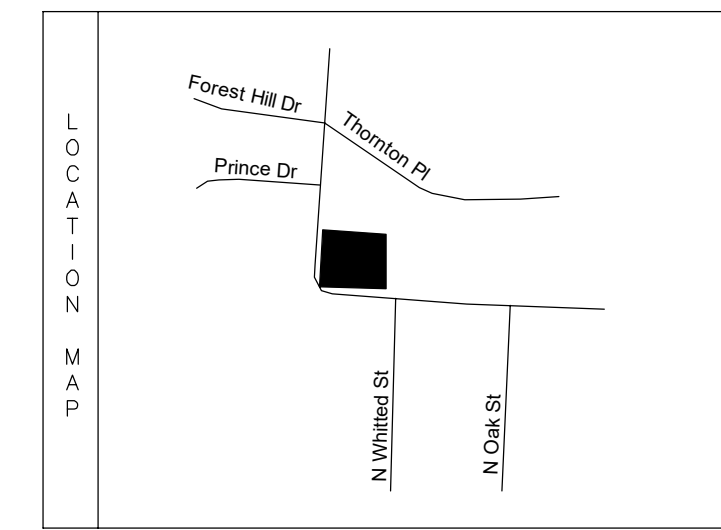
Proposed Condition:

- None

TREE BOARD

Recommended Conditions:

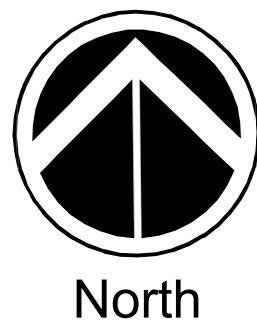
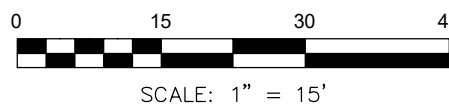
- See Tree Board Summary
- Developer generally agreed to the removal of English Ivy from existing trees and removal of privet.
- Developer generally agreed to protect the existing trees as much as possible, but not to the standards in 15-4. The developer’s landscape architect noted that it would not be feasible to provide 1’ to 1” DBH, but agreed to attempt to achieve a minimum 30’ tree protection ring around the three existing large trees.



LINE	BEARING	DISTANCE
L1	S77°42'22"W	8.50'
L2	S89°40'55"E	12.07'

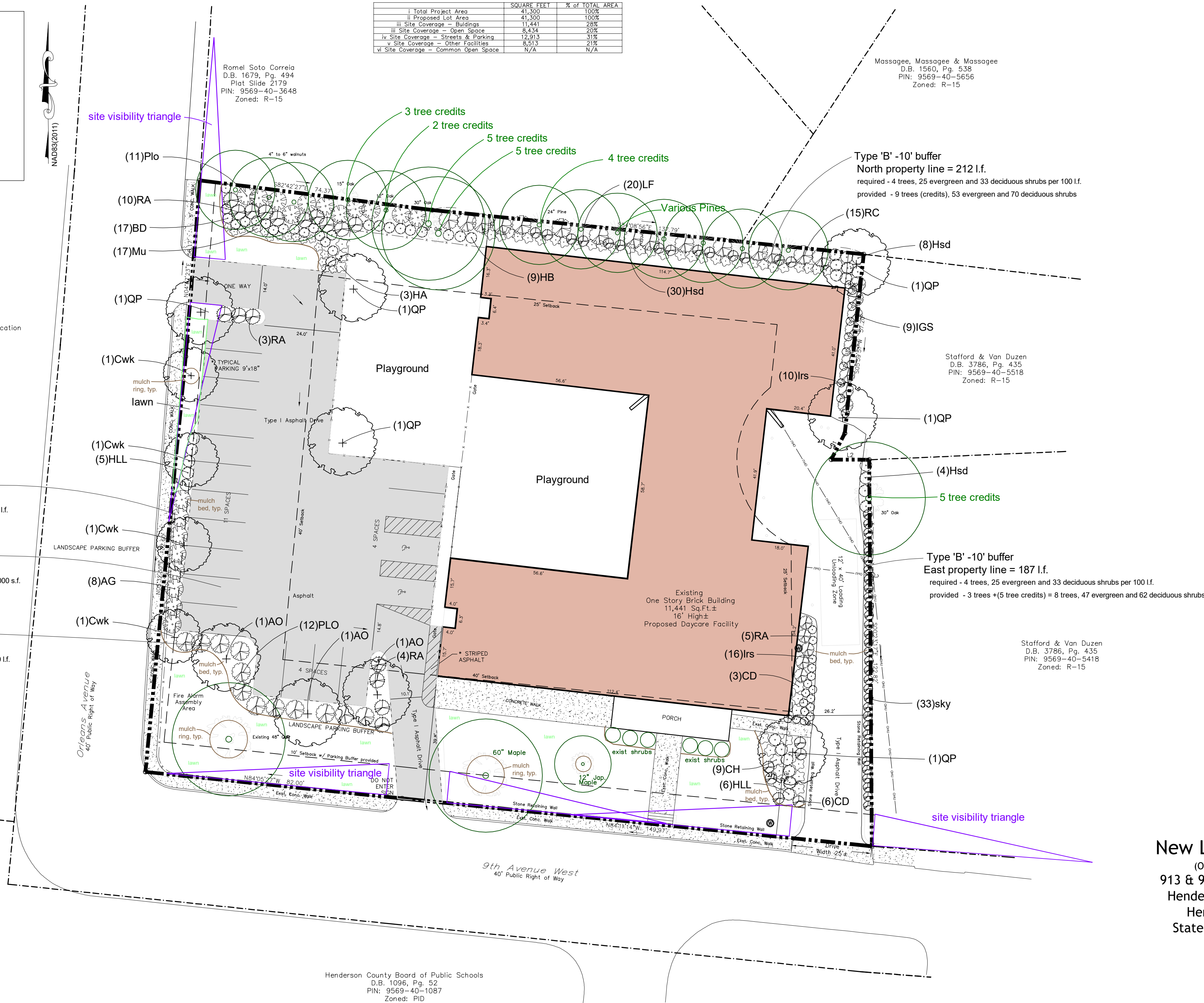
Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

LEGEND	
IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
STORM DRAIN MANHOLE	
CATCH BASIN	
CURB INLET	
SEWER MANHOLE	
CLEAN OUT	
WATER METER	
FIRE HYDRANT	
WATER VALVE	
BACK FLOW PREVENTER	
ELECTRIC MANHOLE	
POWER POLE	
LIGHT POLE	
TRANSFORMER	
TELEPHONE MANHOLE	
TELEPHONE PEDESTAL	
UTILITY VAULT	
GAS VALVE	
GAS METER	
MONITORING WELL	
A/C UNIT	
OVERHEAD ELECTRIC	
UNDERGROUND ELECTRIC	
SANITARY SEWER LINE	
WATER LINE	
GAS LINE	
FENCE	



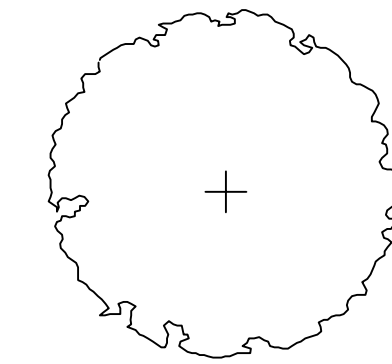
SCALE : 1" = 20'

	SQUARE FEET	% OF TOTAL AREA
I Total Project Area	41,300	100%
II Proposed Lot Area	41,300	100%
III Site Coverage - Buildings	11,441	28%
IV Site Coverage - Open Space	8,434	20%
V Site Coverage - Streets & Parking	12,913	31%
VI Site Coverage - Other Facilities	8,513	21%
VII Site Coverage - Common Open Space	N/A	N/A



Site Plan for
New Leaf Sales LLC
(Owner & Developer)
913 & 917 9th Avenue West
Hendersonville Township
Henderson County
State of North Carolina

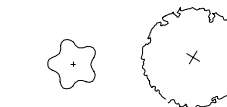
Landscape Legend



Large Deciduous Tree
(13) total proposed



Evergreen Shrub
(130) total proposed



Deciduous Shrub
(143) total proposed

Landscape Required

5' width Plant Strip West property line = 142 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 4 trees, 18 shrubs

5' width Plant Strip South property line = 90 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 3 trees, 12 shrubs

Vehicular/ Parking Landscape
parking area = 8,631 s.f.
required - 1 trees, 2 shrubs per 4,000 s.f.
provided - 3 trees, 5 shrubs

Type 'B' -10' buffer
North property line = 212 l.f.
required - 4 trees, 25 evergreen and 33 deciduous shrubs per 100 l.f.
provided - 9 trees (credits), 53 evergreen and 70 deciduous shrubs

Type 'B' -10' buffer
East property line = 187 l.f.
required - 4 trees, 25 evergreen and 33 deciduous shrubs per 100 l.f.
provided - 3 trees +(5 tree credits) = 8 trees, 47 evergreen and 62 deciduous shrubs

Total Trees Required = 27 total trees

Total Tree Credits Used = 14 total trees

Total Trees provided = 13 trees

Total Shrubs Required = 267 shrubs

Total Shrubs Provided = 273 shrubs

Other Consultants:

Surveyor - Freeland Clarkscapes

Owner

New Leaf Sales LLC

Project:

Kid City
913 & 917 9th Avenue West

Sheet:

Landscape Plan

Designed By:

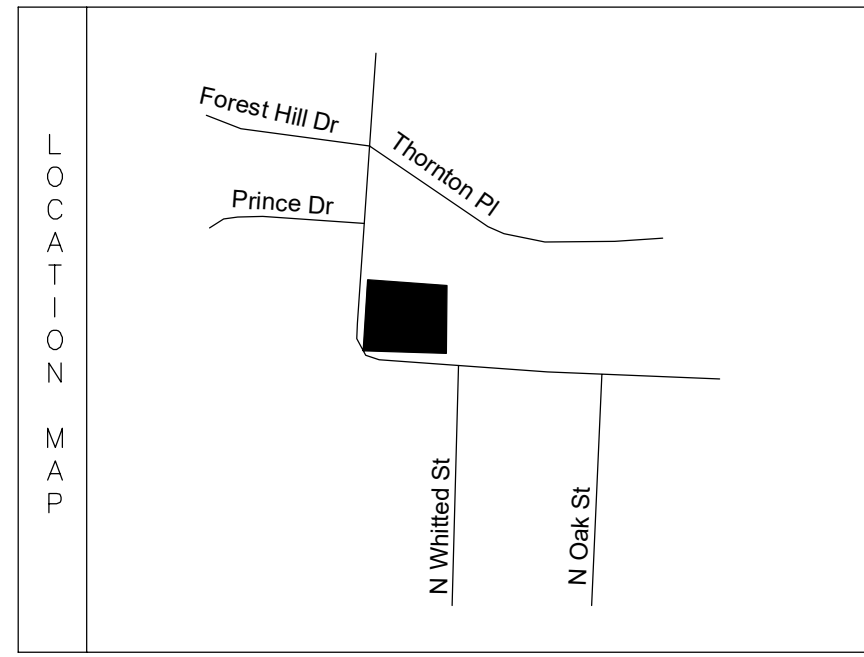
**creative
developments
solutions**
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

October 16, 2023

ISSUE DATE :
REVISIONS:

Project Number:

SHEET NUMBER :
L1



LINK	BEARING	DISTANCE
L1	S27°27'23"W	9.40'
L2	S89°40'55"E	12.07'

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

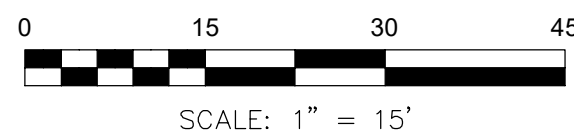
5' width Plant Strip
West property line = 142 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 4 trees, 18 shrubs

Vehicular/ Parking Landscape
parking area = 8,631 s.f.
required - 1 trees, 2 shrubs per 4,000 s.f.
provided - 3 trees, 5 shrubs

5' width Plant Strip
South property line = 90 l.f.
required - 1 trees, 5 shrubs per 40 l.f.
provided - 3 trees, 12 shrubs

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
STORM DRAIN MANHOLE	
CATCH BASIN	
CURB INLET	
SEWER MANHOLE	
CLEAN OUT	
WATER METER	
FIRE HYDRANT	
WATER VALVE	
BACK FLOW PREVENTER	
ELECTRIC MANHOLE	
POWER POLE	
LIGHT POLE	
TRANSFORMER	
TELEPHONE MANHOLE	
TELEPHONE PEDESTAL	
UTILITY VAULT	
GAS VALVE	
GAS METER	
MONITORING WELL	
A/C UNIT	
OVERHEAD ELECTRIC	
UNDERGROUND ELECTRIC	
SANITARY SEWER LINE	
WATER LINE	
GAS LINE	
FENCE	



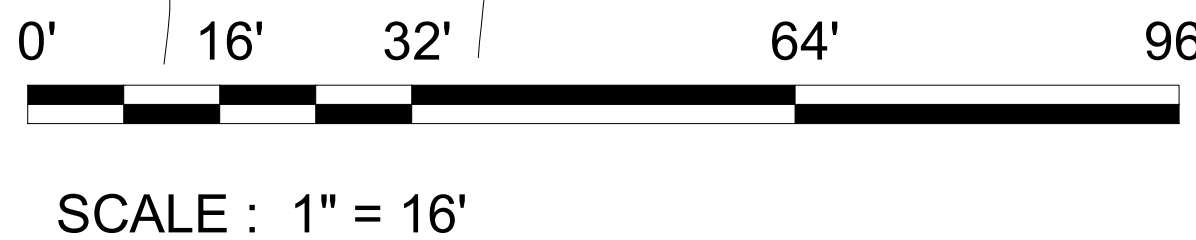
	SQUARE FEET	% of TOTAL AREA
i Total Project Area	41,300	100%
ii Proposed Lot Area	41,300	100%
iii Site Coverage - Buildings	11,441	28%
iv Site Coverage - Open Space	8,434	20%
v Site Coverage - Streets & Parking	12,913	31%
vi Site Coverage - Other Facilities	8,513	21%
vii Site Coverage - Common Open Space	N/A	N/A

Romel Soto Correia
D.B. 1679, Pg. 494
Plot Slide 2179
PIN: 9569-40-3648
Zoned: R-15

Massagee, Massagee & Massagee
D.B. 1560, Pg. 538
PIN: 9569-40-5656
Zoned: R-15

Stafford & Van Duzen
D.B. 3786, Pg. 435
PIN: 9569-40-5518
Zoned: R-15

Stafford & Van Duzen
D.B. 3786, Pg. 435
PIN: 9569-40-5418
Zoned: R-15



FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC
Engineers & Land Surveyors
201 2nd AVE EAST
HENDERSONVILLE, N.C. 28792
(828) 697-6539
(828) 697-4195 (fax)
info@caofnc.com Firm No. C-1562

REF. PLAT SLIDE	14890
REF. DEED. BOOK	4036/593 & 4036/638
TAX MAP	9569-40-2580 & 40-3593
PARTY CHIEF	BLB
DRAWN	TEC
DATE	June 5, 2023
DWG.NO.	H43113

NOT VALID WITHOUT THE SIGNATURE OF A PROFESSIONAL LAND SURVEYOR

Sheet No. 1 of 1

Other Consultants:

Surveyor - Freeland Clinkscals

Owner
New Leaf Sales LLC

Project:
Kid City
913 & 917 9th Avenue West

Sheet:
Landscape Plan

Designed By:

creative development solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 f 828 696 9954

October 16, 2023

ISSUE DATE:

REVISIONS:

DESIGNED BY:

DRAWN BY:

APPROVED BY:

Project Number:

SHEET NUMBER:
L2

Project Plant List

Large Trees - 13 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks
AO	3	Acer 'October Glory'	October Glory Maple	2" Caliper, 10' Height	B&B, Single Straight Leader
Cwk	4	Crategus viridis' Winter King'	Winter King Hawthorn	2" Caliper, 10' Height	B&B, Single Straight Leader
QP	6	Quercus phellos	Willow Oak	2" Caliper, 10' Height	B&B, Single Straight Leader



AO - October Glory Maple



Cwk - Winter King Hawthorn



QP - Willow Oak



AG - Glossy Abelia

Evergreen Shrubs - 130 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks
AG	8	Abelia grandiflora	Glossy Abelia	3 gallon, 18" Height	Full Plant
IGS	9	Ilex glabra 'Shamrock'	Shamrock Inkberry Holly	3 gallon, 18" Height	Full Plant
Sky	33	Ilex crenata 'Sky Pencil'	Sky Pencil Holly	3 gallon, 18" Height	Full Plant
LF	20	Leucothoe 'Margie Jenkins'	Leucothoe 'Margie Jenkins'	3 gallon, 18" Height	Full Plant
Plo	27	Prunus laurecarasus 'Otto Luyken'	Otto Luyken Cherry Laurel	3 gallon, 18" Height	Full Plant
RC	15	Rhododendron catawb. 'English Roseum'	English Roseum Rhododendron	3 gallon, 18" Height	Full Plant
RA	18	Rhododendron 'Autumn Amethyst'	Autumn Amethyst Azalea	3 gallon, 18" Height	Full Plant



PLO - Otto Luyken Cherry Laurel



Sky - Sky Pencil Holly



IGS - Shamrock Inkberry Holly



LF - Margie Jenkins Leucothoe

Deciduous Shrubs - 143 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks
BD	17	Buddleia 'Miss Molly'	Miss Molly Butterfly Bush	3 gallon, 18" Height	Full Plant
CD	9	Calicarpa dichotoma	Purple Beautyberry	3 gallon, 18" Height	Full Plant
CH	9	Clethra alnifolia 'Hummingbird'	Hummingbird Clethra	3 gallon, 18" Height	Full Plant
HLL	11	Hydrangea 'Little Lime'	Little Lime Hydrangea	3 gallon, 18" Height	Full Plant
Hsd	42	Hydrangea 'Sikes Dwarf'	Sikes Dwarf Hydrangea	3 gallon, 18" Height	Full Plant
HA	3	Hydrangea 'Amma Belle'	Anna Belle Hydrangea	3 gallon, 18" Height	Full Plant
HB	9	Hydrangea paniculata 'Bobo'	Bobo Hydrangea	3 gallon, 18" Height	Full Plant
Irs	26	Ilex 'Res Sprite'	Red Sprite Holly	3 gallon, 12" Height	Full Plant
MU	17	Muhlenbergia reverchonii 'Undaunted'	Undaunted Muhly Grass	3 gallon, 12" Height	Full Plant



MD - Undaunted Muhly Grass



Irs - Red Sprite Holly



RC - English Roseum Rhodo



RA - Autumn Amethyst Azalea



BD - Miss Molly Butterfly Bush



CD- Purple Beautyberry



HB - Bobo Hydrangea



HA - Anna Belle Hydrangea



Hsd - Sikes Dwarf Hydrangea



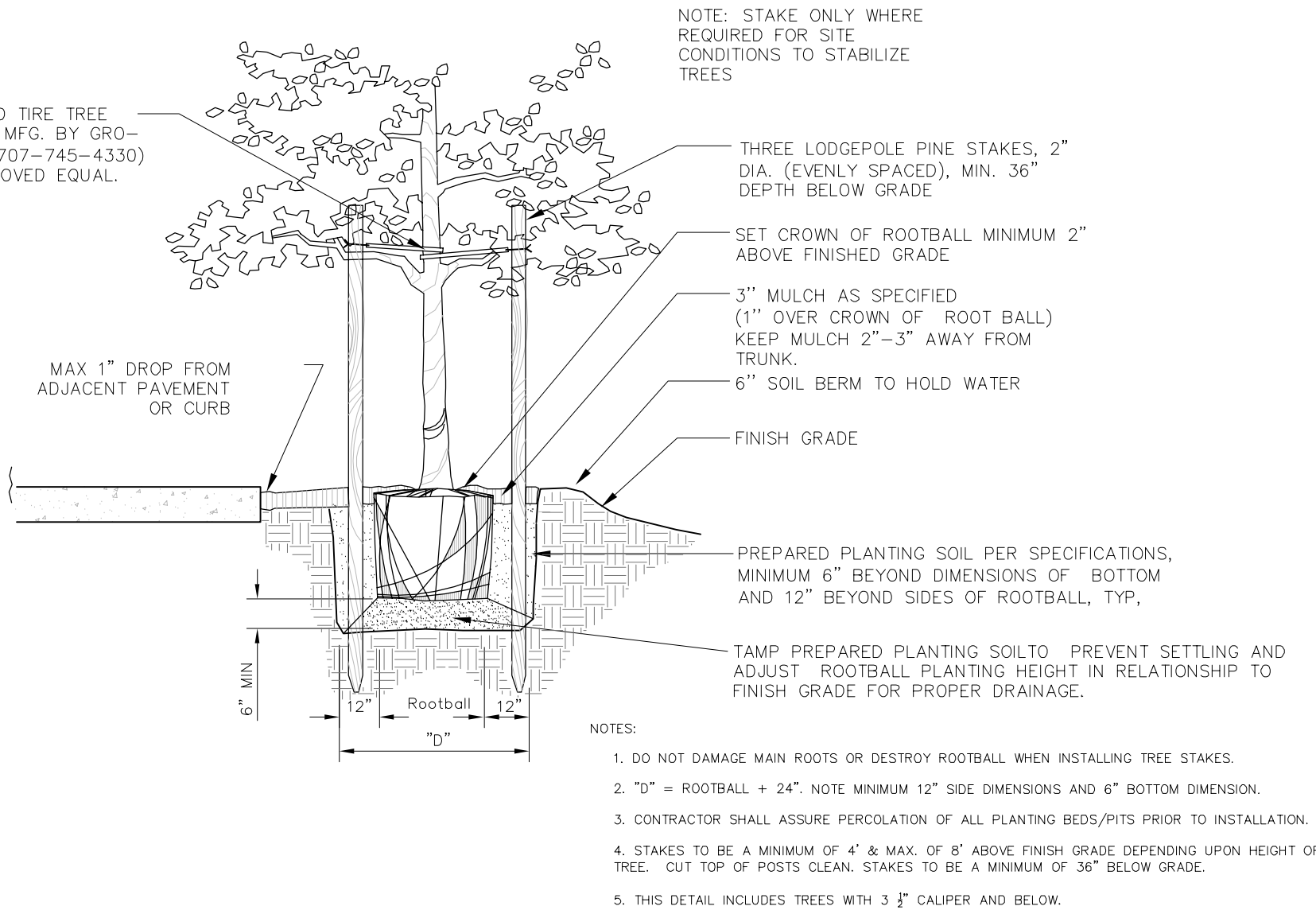
HLL - Little Lime Hydrangea



CH - Hummingbird Clethra

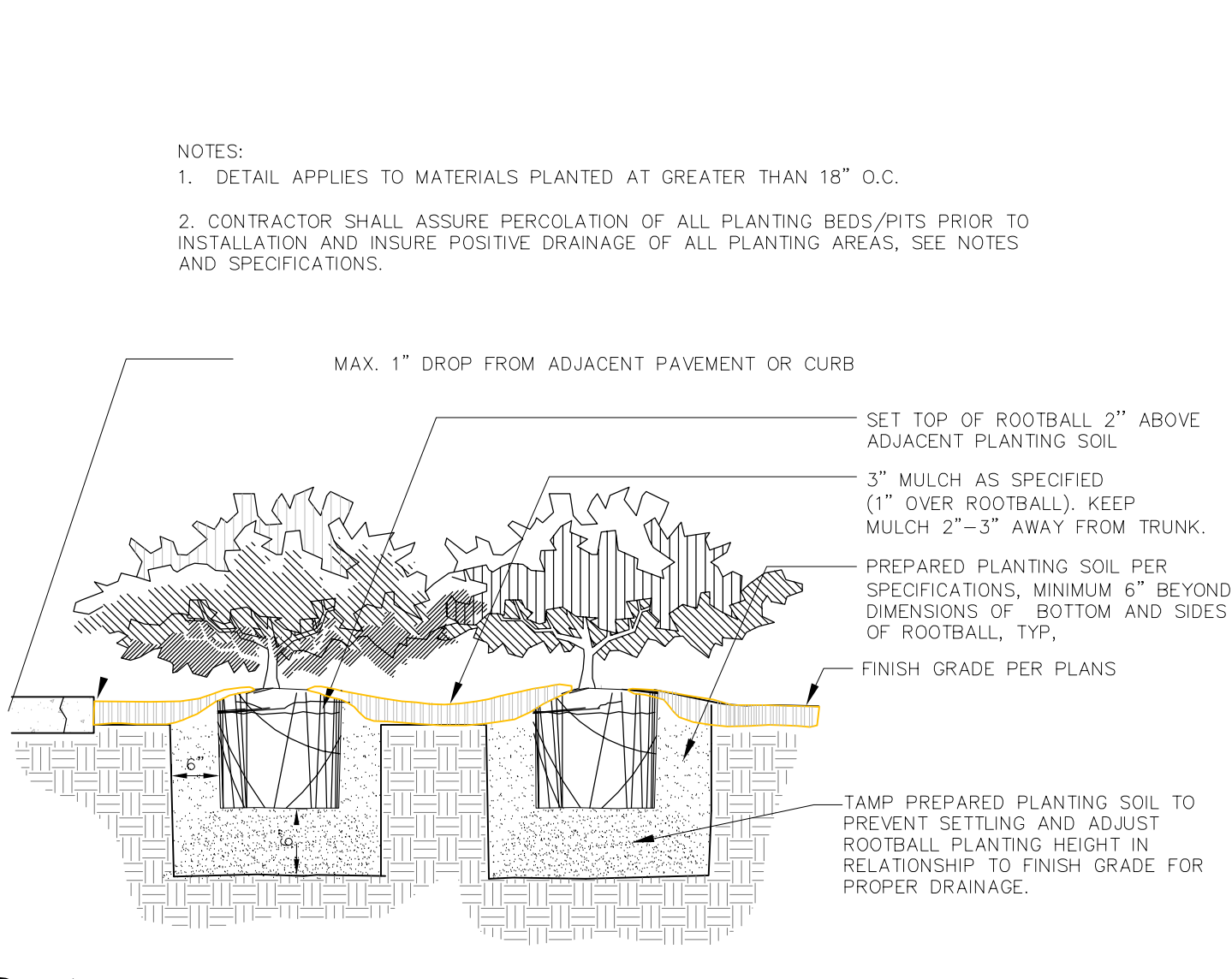
Landscape Notes

- ALL AREAS SHOWN AS LARGE TREES, SMALL FLOWERING TREES, AND SHRUB AND PERENNIAL LANDSCAPING ON THE LANDSCAPE PLAN IS TO BE MULCHED AND SHALL RECEIVE A 3" DEPTH OF SHREDDED PINE BARK MULCH.
- CONTRACTOR SHALL VERIFY QUANTITIES ON THE PLAN AND IS RESPONSIBLE FOR ALL PLANTS AS SHOWN ON THE PLANT LIST. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT. PROVIDE UNIT PRICES FOR ALL PLANT AND TREE MATERIALS.
- CONTRACTOR SHALL GUARANTEE ALL PLANTINGS FOR ONE YEAR FROM COMPLETION OF WORK. REPLACEMENT PLANTS AND LABOR SHALL BE PROVIDED AT CONTRACTORS' EXPENSE.
- PRUNE ONLY AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT REMOVE THE CENTRAL LEADER OF ANY TREE OR PLANT. PLANTS SHALL NOT HAVE A SHEARED APPEARANCE AND MUST MEET MINIMUM SIZES AS INDICATED ON THE PLANT LIST.
- ALL PLANT MATERIAL IS TO CONFORM TO THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK. SEE PLANT LIST FOR SPECIFICATIONS AND SIZES. (NOTE: SIZE TO BE 'DBH' MEASURED 6" ABOVE GROUND)
- LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, ESPECIALLY DUE TO UNDERSIZED OR DAMAGED MATERIALS.
- CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND IDENTIFICATION OF ALL UTILITIES. ANY UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED AT THE CONTRACTOR'S COST.
- ALL DEMOLISHED MATERIALS AND TRASH ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY.
- ALL PLANTINGS HOLES AND BEDS ARE TO BE CLEANED OF ROCKS AND DEBRIS >1", EACH PLANT OR TREE IS TO BE HOLE AMENDED AND THE EXISTING NATIVE SOIL IS TO BE AMENDED WITH 25% OF NATURES HELPER AND 25% OF ORGANIC COMPOST (OR APPROVED EQUAL), THEN THOROUGHLY MIXED TOGETHER TO CREATE A PLANTING SOIL MIX.
- ALL EXISTING AND PROPOSED TREES NOT CONTAINED WITHIN A MULCHED BED ARE TO RECEIVE A 3" DEPTH OF A 4' DIAMETER CIRCLE OF ABOVE SPECIFIED MULCH AROUND EACH TREE. EXCEPT WHERE TREES OCCUR IN SWALES, DITCHES, OR DRAINAGE PATTERNS, THEN ONLY USE 1' DIAMETER CIRCLES.
- REPORT ANY POORLY DRAINED SOILS OR ANY DRAINAGE PROBLEMS TO LANDSCAPE ARCHITECT IMMEDIATELY. FAILURE TO REPORT SUCH CONDITIONS WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE FOR CORRECTING THE PROBLEM AND REPLACING DAMAGED OR LOST PLANTS. PROPER PLANT DRAINAGE IS DEFINED BY FLOODING PLANTING HOLE TO SURROUNDING SOIL LEVEL WITH WATER AND COMPLETE PERCOLATION OF THE WATER WITHIN THE HOLE IN A 24 HOUR PERIOD.
- LANDSCAPE ARCHITECT OR OWNER TO FIELD APPROVE THE PLACEMENT OF ALL PLANT MATERIALS.
- FINE GRADE ALL PLANTING AREAS TO INSURE PROPER DRAINAGE. AREAS TO BE SEEDED ARE TO BE FREE OF DEBRIS AND ROCKS >1" PRIOR TO LAYING SOD OR APPLYING SEED.
- PRIOR TO INSTALLATION, CONTRACTOR SHALL REVIEW PLANT AND LIGHT LOCATIONS WITH LANDSCAPE ARCHITECT OR OWNER TO ELIMINATE CONFLICTS.
- PROVIDE LABOR, EQUIPMENT, MATERIALS, AND SERVICE NECESSARY TO COMPLETE THE LANDSCAPE WORK.
- INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.
- MAINTAIN ALL PLANT MATERIALS UNTIL FINAL ACCEPTANCE OR SUBSTANTIAL COMPLETION OF WORK. MAINTENANCE TO INCLUDE: WATERING, MULCHING, WEEDING, SPRAYING, MOWING, STRAIGHTENING, FERTILIZING, CLEANUP, ECT.



2 Tree Planting Detail

Scale: NTS



1 Shrub Planting Detail

Scale: NTS

Other Consultants:

Surveyor - Freeland Clarkscapes

Owner

New Leaf Sales LLC

Project:

Kid City
913 & 917 9th Avenue West

Sheet:

Landscape Specs

Designed By:

cds | Creative Development Solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE :
October 16, 2023

REVISIONS:

DESIGNED BY: DB

DRAWN BY: SB

APPROVED BY: DSB

Project Number:

SHEET NUMBER:

L3

- 1) The Basis of Bearings for this survey is NAD83(2011)
- 2) Subject Property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 3700956900I, with a date of identification of 10/02/2008.
- 3) Subject Property is within the limits of the City of Hendersonville
- 4) Subject property is currently zoned R-15.
- 5) Subject property proposed zoning district: PID-C2D

Setbacks:

Front: All buildings and structures shall be set back not less than 40 feet from the nearest right-of-way line for any street adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the rear or side of the lot and screened from view from public rights-of-way.

Side/Rear: Buildings and structures shall be set back not less than 25 feet from any exterior property line.

- EXISTING STRUCTURES DO NOT MEET CURRENT SETBACKS

- 6) All off-street parking, driveways and loading areas shall be paved according to the specifications of the NCDOT.
- 7) Required parking spaces for a day are are 1 space per employee, plus 4 spaces for drop off/pick up. There will be a maximum of 12 employees at any given time requiring a maximum of 16 spaces. 19 spaces will be provided, including 2 handicap spaces.
- 8) New Leaf Sales LLC Owner and Developer

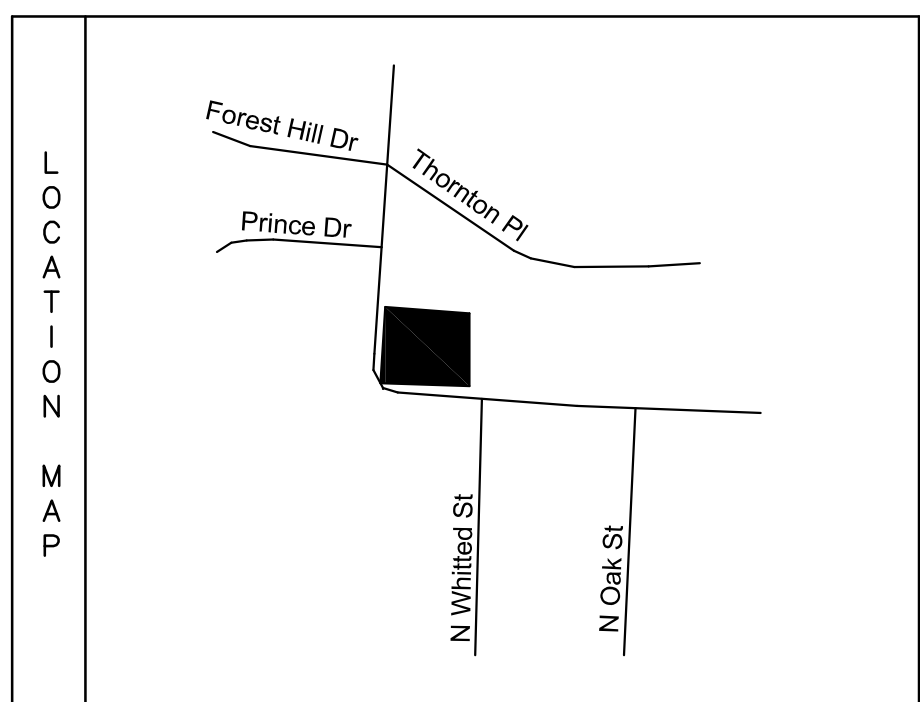
	SQUARE FEET	% of Total AREA
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iii Site Coverage – Open Space	8,434	20%
iv Site Coverage – Streets & Parking	12,913	31%
v Site Coverage – Other Facilities	8,513	21%
vi Site Coverage – Common Open Space	N/A	N/A

Site Plan for
New Leaf Sales LLC
(Owner & Developer)
913 & 917 9th Avenue West
Hendersonville Township
Henderson County
State of North Carolina

REF. PLAT SLIDE	14890
REF. DEED. BOOK	4036/593 & 4036/638
TAX MAP	9569-40-2580 & 40-3593
PARTY CHIEF	ELC
DRAWN	TB
DATE	June 5, 2023
DWG.NO.	H43113

NOT VALID WITHOUT THE SIGNATURE OF A PROFESSIONAL LAND SURVEYOR

Sheet No. 1 of 1

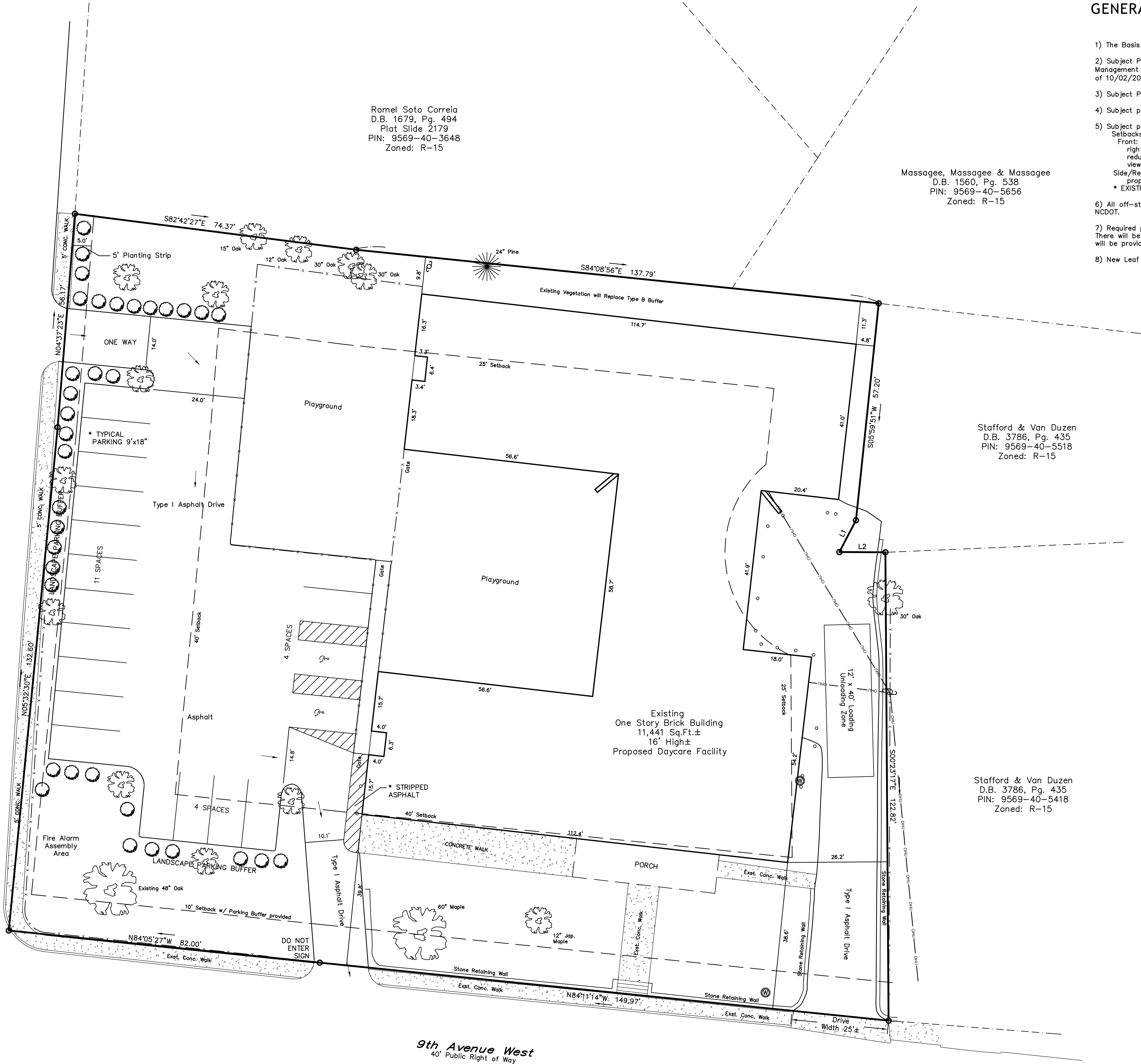


LINE	BEARING	DISTANCE
L1	S27°27'23"W	9.40'
L2	S89°40'55"E	12.07'

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID



































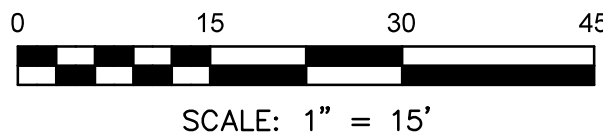
Orleans Avenue
40' Public Right of Way



Henderson County Board of Public Schools
D.B. 1096, Pg. 52
PIN: 9569-40-1087
Zoned: PID

LEGEND

- | | | |
|---|-----|----------------------|
|  | IPF | IRON PIN FOUND |
|  | IPS | IRON PIN SET |
|  | CP | CALCULATED POINT |
|  | TBM | TEMPORARY BENCHMARK |
|  | (M) | MEASURED |
|  | (R) | RECORD |
|  | | STORM DRAIN MANHOLE |
|  | | CATCH BASIN |
|  | | CURB INLET |
|  | | SEWER MANHOLE |
|  | | CLEAN OUT |
|  | | WATER METER |
|  | | FIRE HYDRANT |
|  | | WATER VALVE |
|  | | BACK FLOW PREVENTER |
|  | | ELECTRIC MANHOLE |
|  | | POWER POLE |
|  | | LIGHT POLE |
|  | | TRANSFORMER |
|  | | TELEPHONE MANHOLE |
|  | | TELEPHONE PEDESTAL |
|  | | UTILITY VAULT |
|  | | GAS VALVE |
|  | | GAS METER |
|  | | MONITORING WELL |
|  | | A/C UNIT |
|  | OE | OVERHEAD ELECTRIC |
|  | UE | UNDERGROUND ELECTRIC |
|  | SS | SANITARY SEWER LINE |
|  | W | WATER LINE |
|  | G | GAS LINE |
|  | X | FENCE |



PRELIMINARY

NOT VALID WITHOUT THE SIGNATURE OF A PROFESSIONAL LAND SURVEYOR

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Kid City USA File # P23-066-CZD
Wednesday, August 30, 2023 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. Approximately two members of the public, the applicants and three City staff were in attendance and three others attended via Zoom. The following attended:

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Tyler Morrow	staff		
Alexandra Hunt	staff		
Linda Carter	220 King Creek Boulevard		
Margit Nelson	498 Oak Grove Road		
David Lee	Applicant		
Ryan Latrell	Applicant		
Matthew Manley	staff		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for Kid City USA project located at 9th Avenue West and Orleans Avenue. The subject property is made up of two individual parcels.

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 and building design 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 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, public comments will be heard 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. Staff did not receive any pre-submitted public comments for this project. 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.

An overall vicinity map of the subject property is shown on the screen. The subject property is denoted with an orange star. You will see the Hendersonville Elementary and Middle schools within close proximity of the subject property. The Pardee Hospital campus can be seen to the east of the subject property and the 6th Ave/US 64 corridor is to the south. The north is made up of existing single-family neighborhoods.

Regarding the project:

The subject property is currently zoned R-15 Medium Density Residential.

The application is to change the zoning designation to Planned Institutional Development Conditional Zoning District.

The surrounding area has existing PID-CZD zoning for the Middle and Elementary Schools. The other prevalent zoning districts in the areas are R-15 Medium Density residential and R-6 High Density Residential, both of which are primarily consisting of single-family homes. MIC and PCD zoning are in the area and are associated with Pardee Hospital and other medical type uses.

Conditional Zoning Districts have a binding Site Plan and List of Uses and Conditions.

The concept plan shows the existing one-story brick structure at 913 9th Avenue West to remain and be repurposed into a childcare facility. The site plan also shows associated parking and two proposed playgrounds. The plan also shows an access off of 9th Avenue West and Orleans Avenue. The subject property is approximately 0.95 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. There were no pre-submitted comments so after the developer's presentation we will move into the people who are attending the meeting in person and on zoom. We will identify speakers in order and unmute you if virtual.

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.

Mr. Morrow stated David Lee and Ryan Latrell with the development team were in attendance.

David Lee stated he has been a resident of Henderson County for 25 years. He stated he has children and grandchildren and his children are struggling to keep their kids in child care. It is very hard to find good child care and be able to afford it. They found this opportunity and realized they could repurpose this building. It was previously a retirement home. It has 21 rooms and 13 bathrooms, a cafeteria, a kitchen, a rec room, a playground. They will expand the playground and parking. They will be using the building in its current configuration. They will be making updates such as new paint and new signage and new windows and doors and flooring, etc.

Kid City USA is a national childcare corporation. They have almost 150 locations and been in business 25 years. They spoke with a lot of childcare companies to see who would be interested in it and they just beat everyone else on the marks. They have a great corporation. They have a great board and have learned a lot about childcare. This is a school that will offer up to 40% of their student body will be subsidized. They will be licensed for roughly 200 students. It will be opened to everyone and provide a lot of options. They will provide breakfast and lunch and be open from 6:30 am until 6:30 pm.

Mr. Lee stated his children have struggled with finding childcare open all day and that was affordable. They believe this is a critical service that the town needs.

Mr. Morrow opened up public comment to anyone in the room.

Linda Carter with WNC Source stated they are down the road and are in the childcare business with Head Start. Her question was concerning staff. That was a struggle for them, getting teaching staff. Right now looking in Henderson County, the numbers they are down, it is close to 20 and if you are going to have 200 children at what rate do you propose to pay and how are you going to get the staff needed to man that large of a facility.

Ryan Latrell stated licenses are based on square footage but the capacity will probably be 125 to 150 children because they do not like to max out completely. Their model is not pre-k. Their structure and pay seems to be pretty good from what he has learned. He doesn't know the exact number for what they pay their teachers. They don't seem to have a staffing issue per say. This franchisee, Jenny, if she takes over has six other schools in Western North Carolina and in South Carolina. She doesn't seem to struggle with placing people there. Ms. Carter stated she was just curious because their rate of pay was highest in the area and it is difficult finding the workforce and there will be education requirements for staff. Mr. Latrell stated she comes with a large background in child development, 25 years. She worked licensed for the state of Florida for 15 years.

The rates were discussed along with grant monies. The rates will vary depending on age. There are subsidies left where it is like 1,400 for infants per month. That is a subsidy she would get to help the parents out and up to 40% of the children would get a discount with whatever they can afford to pay. The rates are all based on age.

Mr. Lee stated they do not work for Kid City, they are partnering with Kid City. They own the building and have connected with them over the last year. Jenny told him that she will maintain a five star rating in this school. The corporation is highly involved and they are out of Florida.

Ms. Carter asked what their pay scale will be. Mr. Lee stated he will follow up with her about this.

Mr. Morrow opened up for comments on zoom.

Celeste Mayes stated she is the wife of Paul Mayes and they live on an adjacent parcel. Her address is 911 Thornton Place. Thornton Place is used as a main avenue for cars to drop kids off in the morning to both schools and pick up in the afternoon. The street, 9th Avenue is essentially one way coming out of middle school. A route around this block is through Thornton Place. The cars tend to back up onto Orleans going down the hill and turning onto Thornton Place from Orleans. Her concern for herself and for the neighborhood is an increase in traffic. She realizes that a lot of these families are already dropping kids off at school and there is no impact there but there will be families that are coming there just for the childcare center. She wanted to know if anything had been discussed to mitigate the traffic and has anything been discussed with the city about the paving of Orleans as it narrows down in the neighborhood at the three-way stop. She had concerns about the maintenance of the road and bushes being unattended. She was concerned about children walking in the area and with the increase in traffic it will be worse.

Matthew Manley, Strategic Projects Manager for the city stated the applicant may want to address this from the traffic that will be generated by the use. He stated Orleans Avenue has been identified in a draft pedestrian plan that the city is working on with some consultants that will be considered for adoption later on this fall or winter. That pedestrian plan lists Orleans Avenue as the second highest ranked priority for local

streets under the city's maintenance for improvements along Orleans. He talked about this being a complex project and stated it is on the radar.

Mr. Latrell stated they have talked with Kid City about the one-way street and traffic. He didn't believe it will increase the traffic pattern during school hours because most will drop their kids off earlier in the morning and later in the evening they will pick them up. He has noted Ms. Mayes concerns.

Ken Fitch, 1046 Patton Street stated the previous use was all residential. Mr. Morrow stated people were living there but it was more of a commercial use as it was a retirement center. There was a home on the corner that was uninhabitable. Mr. Lee stated the home had been broken into many times and it had to be boarded up. It was more of a nuisance than a residence. Mr. Fitch wanted to know what generated the rezoning. Mr. Morrow stated a rezoning of some type was needed because R-15 does not allow a childcare facility as a permitted use. He explained staff's recommendation for the PID rezoning. Mr. Fitch wanted the management explained. Mr. Latrell stated Mr. Lee is the property owner and the childcare center is a national chain.

Mr. Manley stated the petition pertains to the site and proposed use. Is it consistent with the comp plan and compatible with the area? The use is what is being approved and not who the occupant or group is that will manage the building or who the franchisee is. That is no concern for the rezoning.

Mr. Fitch had concerns about the traffic that will be going in and out during the day at this location. This is an intense location. He wanted to know about the setback and buffers from the residential properties would be. Mr. Morrow stated staff has not yet reviewed this and that will come after the preliminary plan is submitted. Against residential zoning it would require some type of buffering. As far as setbacks, this is an existing building. If they do not meet the requirements for PID zoning they can propose conditions. Mr. Fitch asked about playgrounds. Mr. Morrow stated he believes there are supplementary standards and once the project is reviewed they will get into those standards. Mr. Morrow stated there would be a tree survey for this project. The state also has requirements that will need to be met for playgrounds. Mr. Morrow discussed the tree survey and the cutting of trees. All current trees greater than 12 inches in diameter will have to be shown on the tree survey.

Discussion was made on the boundary and it being heavily vegetated.

Mr. Lee stated he is not planning to take any of the trees down. They did remove a pine tree. There will be a landscape plan. He stated staff will need about 12 to 15 spaces for parking and they plan to add more than that. Street parking was discussed.

Mr. Lee discussed where the dumpster would be placed. He stated they are hoping final approval would come in November or December and have the property updates complete sometime in April.

Mr. Morrow stated September 1st is the deadline for the preliminary site plan submittal. That would put them on the Tree Board for September 19th. The Planning Board meeting would be October 12th at 4:00 pm. City Council would be slated for November 2nd at 5:45 pm. Letters will be sent for the Planning Board and the City Council meetings. That would be the time table as long as there are no delays.

Staff has not fully reviewed this project yet. Mr. Morrow discussed the process and who reviews the site plan.

Eliana Owens, 922 Thornton Place stated she welcomes the use of the building and glad someone is planning to occupy it. She can see the building from her backyard. She shares the concerns with the traffic on Thornton Place. She would like the city to look at this and discuss having speed bumps and a discussion on the streets

and traffic with the city. Mr. Morrow stated he has made notes of the concerns and will see what information he can get from the Public Works Department.

Mr. Morrow stated the time table again. If they submit September 1st the project will go the Tree Board on September 19th and the Planning Board on October 12th. These boards are advisory boards to City Council. The project will go to City Council on November 2nd. The rezoning will not take place until City Council approves it. City Council will make the final decision on the rezoning.

With no further comments or questions, Mr. Morrow closed the meeting at 2:48 pm.



TREE BOARD RECOMMENDATION
KID CITY USA (P23-066-CZD)
MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: Kid City USA- Conditional Zoning District (PID-CZD)

- APPLICANT/PETITIONER: David Lee, New Leaf Sales LLC [Applicant & Owner]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at their regular meeting on Tuesday February 20th, 2024. The following Tree Board members were present: Janet Thew (Chair), Becca Doll, Mary Davis, Glenn Lange

SUMMARY

There are a total of 7 trees that are 12" or greater DBH on the site. 7 of these trees and some smaller DBH existing trees are proposed to be preserved.

MOTION

Based on the Landscape Plans provided on 10/16/23, the Tree Board recommends the following conditions:

Invasive trees, shrubs and ground cover shall be removed, particularly English Ivy, throughout the site, especially from trees that will be preserved. Care shall be taken to not substantively disturb the root systems of preserved trees. Invasive trees and shrubs can be cut off at ground level and the stump treated to kill the roots. Control of English Ivy shall be confined to the recommendations found in the North Carolina Extension publication "Controlling English Ivy in Urban Landscapes" **Developer Agreed**

All preserved trees shall be protected from grading and construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. **Developer Agreed in part.**

The developer's Landscape Architect noted that it would not be feasible to meet the 1' to 1" DBH requirement for the larger trees on site, but indicated they would provide as much as feasible and generally suggested they thought that 30' would be feasible in large part.

TREE BOARD RECOMMENDATIONKID CITY USA (P23-066-CZD)MEETING DATE: FEBRUARY 20th, 2024

PETITION REQUEST: Rezoning: Kid City USA- Conditional Zoning District (PID-CZD)

- APPLICANT/PETITIONER: David Lee, New Leaf Sales LLC [Applicant & Owner]

The Tree Board's recommended conditions, above, are based on the following guiding city code documents: Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement, Section 3.1 Purpose, Sections 3.2 and Section 3.3, Goal NR-1, Strategy NR 1.1 and NR 1.2 and Goal NR-2, Strategy 2.3; and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to the prioritization of existing tree canopy.

BOARD ACTION

Motion/Second: Lange/Doll Yeas: All Nays: None Recused: None

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR THE PARCEL POSSESSING PIN NUMBER: 9569-40-2580 & 9569-40-3593 BY CHANGING THE ZONING DESIGNATION FROM R-15, MEDIUM DENISITY RESIDENTIAL TO PID-CZD, PLANNED INSTITUTIONAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9568-92-1924
Address: 904 Greenville Highway

The Lofts at Chadwick: (File # P24-04-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant/owner, David Lee (President), New Leaf Sales LLC, for the rehabilitation of an existing 11,441 sqft commercial building on approximately 0.95 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on March 14th, 2024; voting 0-0 to recommend/not recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on April 4th, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9569-40-2580 & 9569-40-3593, changing the zoning designation from R-15, Medium Density Residential to PID-CZD, Planned Institutional Development Conditional Zoning District.
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the master site plan submitted by the applicant revision dated October 16, 2023, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Childcare Center
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

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

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney

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

IN RE: Parcel Numbers: 9569-40-2580 & 9569-40-3593
 Addresses: 913 9th Avenue West
 The Lofts at Chadwick: (File # P23-066-CZD)

Applicant/Developer: David Lee (President),
New Leaf Sales LLC

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: David Lee (President), New Leaf
Sales LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

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

www.hendersonvillenc.gov

**Conditional Zoning District Petition
Section 7-4 and Article 11 City Zoning Ordinance**

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

- ☐ 1. Scheduled Pre-Application meeting with Planning Staff
 - 1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information
- ☐ 2. Water and Sewer Availability Request
- ☐ 3. Completed Application Form
- ☐ 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☐ 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- ☐ 6. Detailed explanation of any Proposed Development Description
- ☐ 7. Application Fee

Note: Additional Approvals prior to the issuance of a Zoning Compliance Permit may include, but are not limited to the following:

- Henderson County Sedimentation & Erosion Permit
- Stormwater Management Plan
- Utility Approval
- NCDOT Permit
- Any other applicable permits as determined by the Community Development

[Application Continued on Next Page]

Office Use:

Date Received: 8/15/23

By: TS

Fee Received? 8/N

\$500.00

A. Applicant Contact Information

David Lee

* Printed Applicant Name

New Leaf Sales, LLC

Printed Company Name (if applicable)

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

Applicant Signature

Member Manager

Applicant Title (if applicable)

2207 Kznuga Rd

Address of Applicant

Hendersonville, NC 28739

City, State, and Zip Code

828 699 4505

Telephone

davidleeteam@gmail.com

Email

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

[Application Continued on Next Page]

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

Same
*Printed Owner Name

Same
Printed Company Name (if applicable)

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

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

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

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

C. Property Information

Name of Project: Kid City USA

PIN(s): 9569403593 & 9569402580

Address(es) / Location of Property: 913 9th Ave West & 917 9th Ave West
Hendersonville, NC 28791

Type of Development: Residential ☒ Commercial Other

Current Zoning: R-15

Total Acreage: Tr assessed 0.71 & 0.24

Proposed Zoning: PID

Proposed Building Square Footage: Existing bldg 11,680 sq¹

Number of Dwelling Units:

List of Requested Uses: Childcare facility

D. Proposed Development Conditions for the Site

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

See attached site/concept plan

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

*Printed Owner Name

Printed Company Name (if applicable)

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

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

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

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*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

City, State, and Zip Code

Telephone

Email

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

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CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Tyler Morrow **MEETING DATE:** March 14th 2024

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

TITLE OF ITEM: Administrative Review: Preliminary Site Plan– Living Savior Church (A24-02-SPR) – Tyler Morrow – Planner II

SUGGESTED MOTION(S):

<p><u>For Approval:</u></p> <p>I move that the Planning Board grant preliminary site plan and building design approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-27 Commercial Highway Mixed Use, 7-3-3 Review of Preliminary Site Plans, and 18-3-1.2 Joint site plan and design review) finding that the Living Savior Church project is compliant with all applicable requirements.</p> <p>[DISCUSS & VOTE]</p>	<p><u>For Denial:</u></p> <p>I move that the Planning Board deny the application for preliminary site plan and building design approval for the Living Savior Church project because the applicant has failed to demonstrate compliance with the following provisions of the Zoning Ordinance:</p> <p>1.</p> <p>[DISCUSS & VOTE]</p>
---	---

SUMMARY:

The City of Hendersonville is in receipt of an application for preliminary site plan review from Daniel Meyer of the Living Savior Evangelical Lutheran Church. The applicant is proposing to construct a 12,125 square foot church on the subject property.

The proposed site plan shows that the church will have a height of 29' 7" from the average grade. The church is slated to have both driveway access points off the NCDOT maintained Vine Road (SR-1782). The site plan shows that the proposed development will provide 67 parking spaces with 3 ADA parking spaces to serve the development.

Due to this development adding more than 30 parking spaces, the project is required to go through preliminary site plan review as defined in Chapter 7 of the zoning ordinance.

Since this project does not exceed the 50,000 square foot trigger that requires a rezoning to a conditional zoning district, the project will be developed in accordance with the underlying CHMU zoning.

City Council at their December 7th, 2023, meeting zoned the subject property from

Henderson County CC (Community Commercial) to City CHMU (Commercial Highway Mixed Use).

PROJECT/PETITIONER NUMBER:	(A24-02-SPR)
PETITIONER NAME:	Living Savior Evangelical Lutheran Church [Applicant/Owner]
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Preliminary Site Plan 3. Preliminary Building Design 4. Application and Signature Addendums

PRELIMINARY SITE PLAN REVIEW-LIVING SAVIOR CHURCH (A24-02-SPR)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

PRELIMINARY SITE PLAN REVIEW GUIDELINES..... 3

EXISTING ZONING & LAND USE 4

SITE IMAGES..... 5

SITE IMAGES..... 6

PROPOSED DEVELOPMENT DETAILS..... 7

OUTSTANDING PRELIMINARY SITE PLAN COMMENTS..... 7

STAFF ANALYSIS..... 7



PROJECT SUMMARY

- Project Name & Case #:
 - Living Savior Church
 - A24-02-SPR
- Applicant & Property Owner:
 - Living Savior Evangelical Lutheran Church (Daniel Meyer, President)
[Applicant & Owner]
- Property Address:
 - 200 Upward Road
- Project Acreage:
 - 4.72 Acres
- Parcel Identification (PIN):
 - 9578-90-1278
- Parcel Zoning:
 - CHMU, Commercial Highway Mixed Use
- Future Land Use Designation:
 - High Intensity Neighborhood
- Requested Uses:
 - Religious institutions
- Type of Review:
 - **Administrative**- Decisions made in the implementation, administration, or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards set forth in the Zoning Ordinance.



SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for preliminary site plan review from Daniel Meyer of the Living Savior Evangelical Lutheran Church. The applicant is proposing to construct a 12,125 square foot church on the subject property.

The proposed site plan shows that the church will have a height of 29' 7" from the average grade. The church is slated to have both driveway access points off the NCDOT maintained Vine Road (SR-1782). The site plan shows that the proposed development will provide 67 parking spaces with 3 ADA parking spaces to serve the development.

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Since this project does not exceed the 50,000 square foot trigger that requires a rezoning to a conditional zoning district, the project will be developed in accordance with the underlying CHMU zoning.

City Council at their December 7th 2023 meeting zoned the subject property from Henderson County CC (Community Commercial) to City CHMU (Commercial Highway Mixed Use).

PRELIMINARY SITE PLAN REVIEW GUIDELINES

Review of Preliminary Site Plans

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

- Preliminary plan review is required of all development undergoing Site Plan Review for the following:
- Any commercial, industrial or institutional development consisting of more than 20,000 square feet of floor area.
 - Addition of more than 30 parking spaces.
 - Any Minor Planned Residential Development consisting of 9 or more dwelling units.

An application for preliminary site plan approval shall not be approved unless the planning board determines that the application and final site plan demonstrate compliance with this ordinance, including the provisions of section 7-11 below, and other applicable regulations.

The planning board may impose such reasonable conditions on an approval as will ensure such compliance with this ordinance.

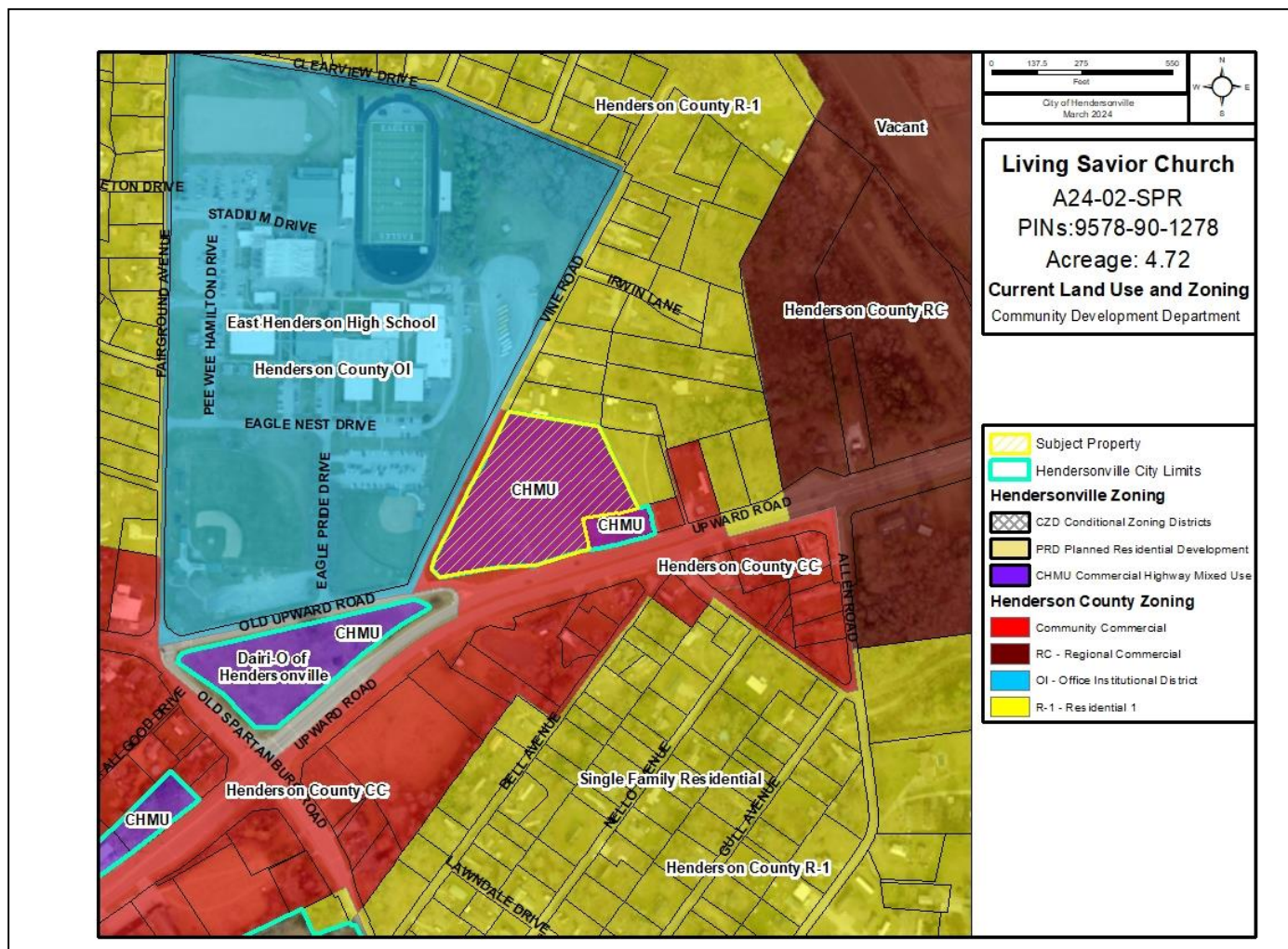
Approval of a preliminary site plan shall not entitle the applicant to the issuance of a zoning compliance permit. Upon approval of the preliminary site plan by the Planning Board the applicant must then submit an application and final site plans meeting the requirements of of the zoning ordinance, in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

Review of CHMU Building Design Standards

This project is located within the Commercial Highway Mixed Use Zoning District which does have design standards for any project within this district (minus single and two family homes). Article 18 “Mixed Use Zoning” outlines the process that all projects located within a mixed use zoning district shall undergo. Mixed use zoning districts require special attention to design because of the intermixing of land uses in close proximity. Applications for development authorization for projects located within one of the mixed use zoning districts shall, in addition to site layout, address building and site design, as well as the functional integration of residential and commercial uses. In addition to meeting the requirements for site plan review contained in section 7-3, applications for development authorization within a mixed use zoning district shall also demonstrate that the design of the project meets the goals and intent of the mixed use zoning district classifications.

Article 18-3-1.2 Joint site plan and design review outlines the process for any project that is receiving a joint approval of the preliminary site plan and design. If the applicant chooses to undergo joint site plan and design review, it shall submit, in addition to the preliminary site plan, a design concept meeting the requirements of [section 18-3-3](#).The preliminary site plan and the design concept shall undergo a threshold review by the planning director to determine whether they demonstrate compliance with the design standards for the zoning district in which the property is situated. If the planning director determines the plans are compliant with the applicable design standards, the planning director shall refer the application to the reviewing authority for preliminary review (Planning Board). The decision as to compliance shall be that of the reviewing authority and shall be subject to review in accordance with article VII. Joint preliminary site plan and design approval shall entitle the applicant to final approval to develop the property in accordance with the approved preliminary site plan so long as final plans, including the final design concept, do not deviate substantially therefrom.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CHMU (Commercial Highway Mixed Use) by the City of Hendersonville. It is a satellite annexed parcel for the City of Hendersonville. There are other satellite annexed parcels present along this corridor with zoning designations including Commercial Highway Mixed Use (CHMU) and PRD-CZD (Planned Residential Development Conditional Zoning District). The properties within these districts are developed with a fast-food restaurant and the Oak Preserve residential development.

The area is largely made up of Henderson County Zoning. Henderson County Community Commercial is present along the Upward Road Corridor going east until Allen Road and then it transitions to Henderson County Regional Commercial. Henderson County R-1 is the predominant County residential zoning classification found in this area and it consists of single-family neighborhoods. East Henderson directly west of Vine Road from the subject property is zoned Henderson County Office Institutional.

SITE IMAGES

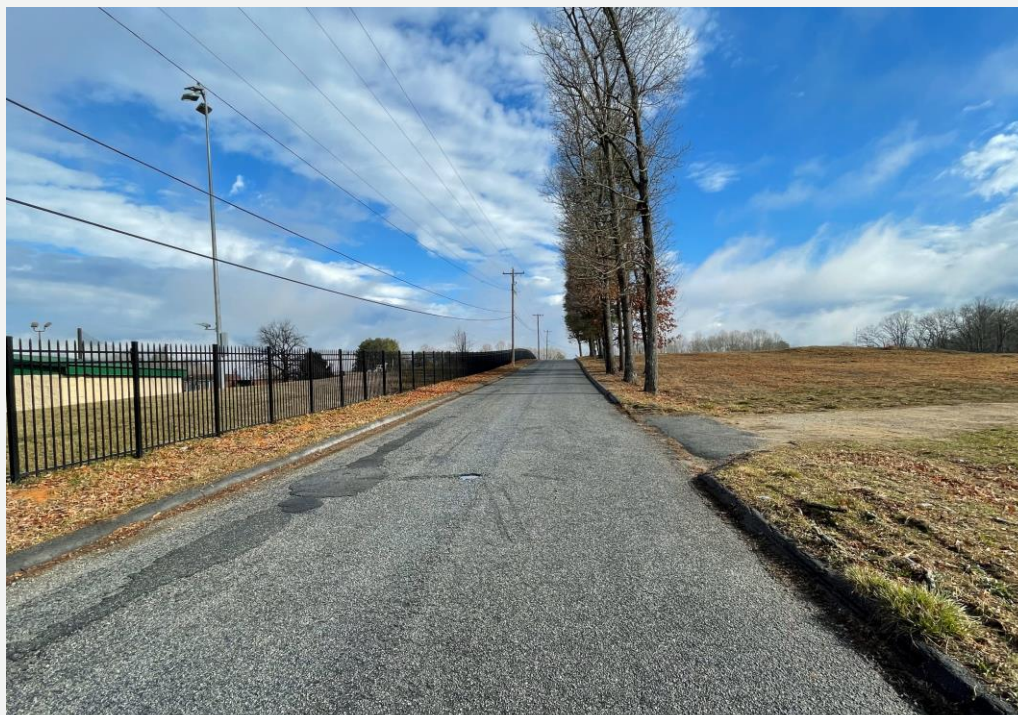


*View of the mature trees along Vine Road.
24 Trees were identified along this property line. 13 Retained, 11 removed.*



Typical view of the subject property looking northward.

SITE IMAGES



View of Vine Road. Both access points will be off of Vine Road.



View of site facing west towards East Henderson High School.

PROPOSED DEVELOPMENT DETAILS

- **Proposed Use: Religious Institution**
 - Total Square footage- 12,125 square feet
 - First floor (main floor)- 8,030 square feet
 - Basement- 4,095 square feet.
 - Proposed Height- 29' 7" from the average grade to the mean height level.
 - 35' 7" from the ground to the mean of the roof (on the tallest side-east side)
 - Building Measurement per Ordinance- The vertical distance measured from the average grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
- **Site:**
 - 4.75 Acres
 - No special flood hazard areas are present on the site.
 - No steep slopes are on the site.
 - It appears that parts of the site have been previously disturbed.
 - 27 trees were identified on the property.
 - 16 retained.
 - 11 removed.
- **Streets/ Access**
 - The site has two proposed access points.
 - Both points would be accessed off of Vine Road (a NCDOT maintained road).
 - No driveways are proposed to be off of Upward Road. All driveways would be required to obtain a driveway permit from NCDOT at final site plan approval.
- **Parking**
 - Religious Institution: 1 per each 4 seats
 - Required: $210 \text{ Seats} / 4 = 53 \text{ Spaces}$
 - Currently proposed: 67 Spaces, including 3 ADA spaces.
- **Sidewalks**
 - Sidewalks will be required along the entire parcel frontage on Upward Road and Vine Road.
 - The site plan also shows sidewalks connecting the main entrance to the building to the public street sidewalks.
- **Stormwater Management**
 - The project will be required to install post construction stormwater measures. These plans will be reviewed as an aspect of the final site plan review.

- **Public Utilities**
 - The site will be served by City of Hendersonville Water and Sewer.

OUTSTANDING PRELIMINARY SITE PLAN COMMENTS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The preliminary site plan accompanying this petition meets the standards established by the Zoning Ordinance for developments in the Commercial Highway Mixed Use District (5-27), and Preliminary Site Plan (7-3-3) with the following exceptions:

- None

CITY ENGINEER

Preliminary Site Plan Comments:

- None

WATER / SEWER

Preliminary Site Plan Comments:

- None

FIRE MARSHAL

Preliminary Site Plan Comments:

- None

STORMWATER ADMINISTRATOR

Preliminary Site Plan Comments:

- None

FLOODPLAIN ADMINISTRATOR

Preliminary Site Plan Comments:

- None

PUBLIC WORKS

Preliminary Site Plan Comments:

- None

NCDOT

Preliminary Site Plan Comments:

- None

TRANSPORTATION CONSULTANT

Preliminary Site Plan Comments:

- None (the proposed use did not trigger a TIA)

STAFF ANALYSISZoning Compliance:

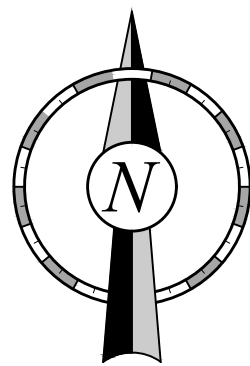
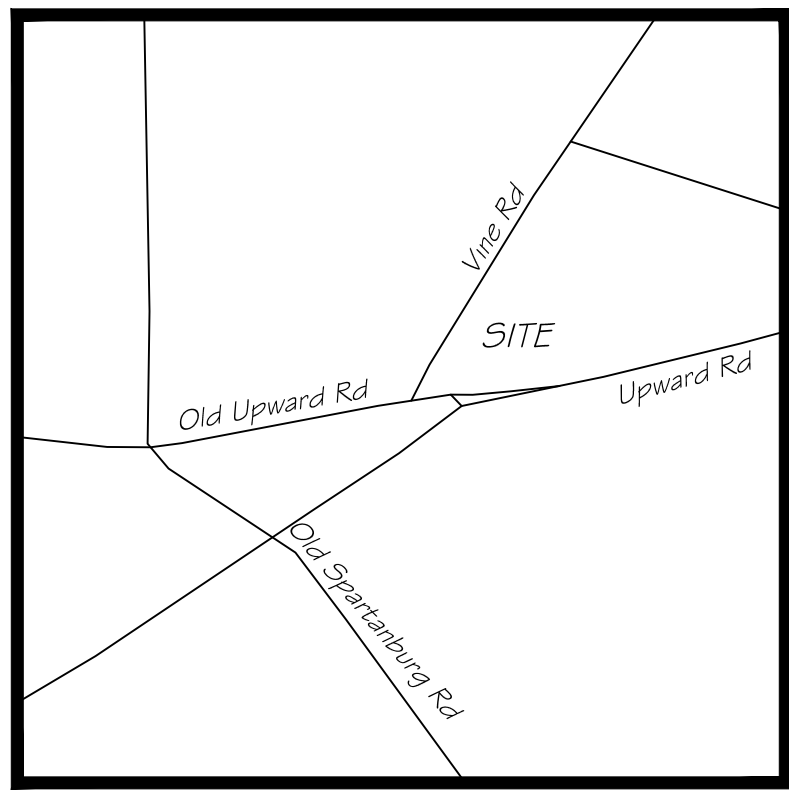
Based on the review by staff, the submitted preliminary site plan and building design for the Living Savior Church Project meets the Zoning Ordinance standards established for commercial projects within the Commercial Highway Mixed Use District, Preliminary Site Plan Review (Section 7-3-3.2) and Building Design Review (Article XVIII. - Mixed Use Zoning.)

SITE DEVELOPMENT PLANS FOR

LIVING SAVIOR LUTHERAN CHURCH

200 UPWARD ROAD

HENDERSONVILLE, NC



Vicinity Map

Not to Scale

MUNICIPAL CONTACT LIST:

CITY OF HENDERSONVILLE

PLANNING AND ZONING DIVISION
CITY OF HENDERSONVILLE
160 SIXTH AVE EAST
HENDERSONVILLE, NC 28792
TEL: 828-697-3064
CONTACT: MATTHEW MANLEY

TRANSPORTATION DEPARTMENT
NCDOT
4142 HAYWOOD ROAD
MILLS RIVER, NC 28759
TEL: 828-891-7911
FAX: 828-891-596
CONTACT: RUSTY DARNELL

CITY OF HENDERSONVILLE WATER UTILITIES
TEL: 828-697-3000
CONTACT: ADAM STEURER, PE

CITY FIRE DEPARTMENT
632 SUGARLOAF ROAD
HENDERSONVILLE, NC 28792
TEL: 828-697-3024

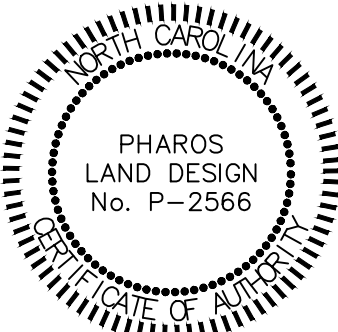
PROJECT CONTACT LIST:

SURVEYOR OF RECORD
ASSOCIATED LAND SURVEYORS AND
PLANNERS, PLLC
CAMERON S. BAKER, PLS
PO BOX 578
HORSE SHOE, NC 28742
TEL: 828-890-3507

ENGINEER OF RECORD
PHAROS LAND DESIGN, PLLC
W. DUANE ENSOR, PE
204 PARIS GLEN WAY
GREENVILLE, SC 29609
TEL: 843-693-2335

Sheet List Table

Sheet Number	Sheet Title
1 OF 18	COVER SHEET
2 OF 18	SURVEY
3 OF 18	DEMOLITION PLAN
4 OF 18	SITE PLAN
5 OF 18	SITE DETAILS
6 OF 18	GRADING PLAN
7 OF 18	STORM PLAN
8 OF 18	STORM DETAILS
9 OF 18	PRE-DEVELOPMENT DRAINAGE MAP
10 OF 18	POST-DEVELOPMENT DRAINAGE MAP
11 OF 18	EROSION CONTROL PLAN PHASE I
12 OF 18	EROSION CONTROL PLAN PHASE II
13 OF 18	EROSION CONTROL DETAILS
14 OF 18	EROSION CONTROL DETAILS
15 OF 18	UTILITY PLAN
16 OF 18	UTILITY DETAILS
17 OF 18	SIGHT DISTANCE
L1.00 OF L1.05	LANDSCAPE PLAN
L1.01 OF L1.05	LANDSCAPE PLAN
L1.02 OF L1.05	LANDSCAPE PLAN
L1.03 OF L1.05	LANDSCAPE PLAN
L1.04 OF L1.05	LANDSCAPE PLAN
L1.05 OF L1.05	LANDSCAPE PLAN



LIVING SAVIOR CHURCH

COVER SHEET

FILE NAME: LIVING SAVIOR CHURCH CIVL.DWG	BY: WDE	JOB NO: PMW-001	FLD. BK:	SHEET NO. 1 OF 18
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	

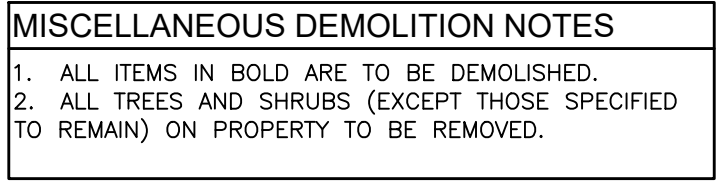
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PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS					
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

119

SITE CHART	
TOTAL PROJECT AREA	4.754 ACRES
PROPOSED LOT AREAS	1 LOT — 4.754 ACRES
SITE COVERAGE — BUILDINGS	8,030 SF : 3.88%
SITE COVERAGE — OPEN SPACE	80%
SITE COVERAGE — STREETS AND PARKING	0.54 ACRES (NOT INCL. FUTURE)
SITE COVERAGE — OTHER FACILITIES	N/A
SITE COVERAGE — COMMON SPACE	11%

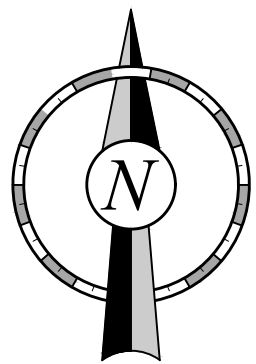
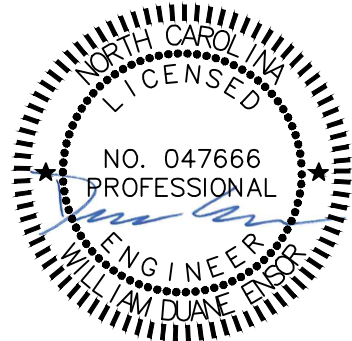
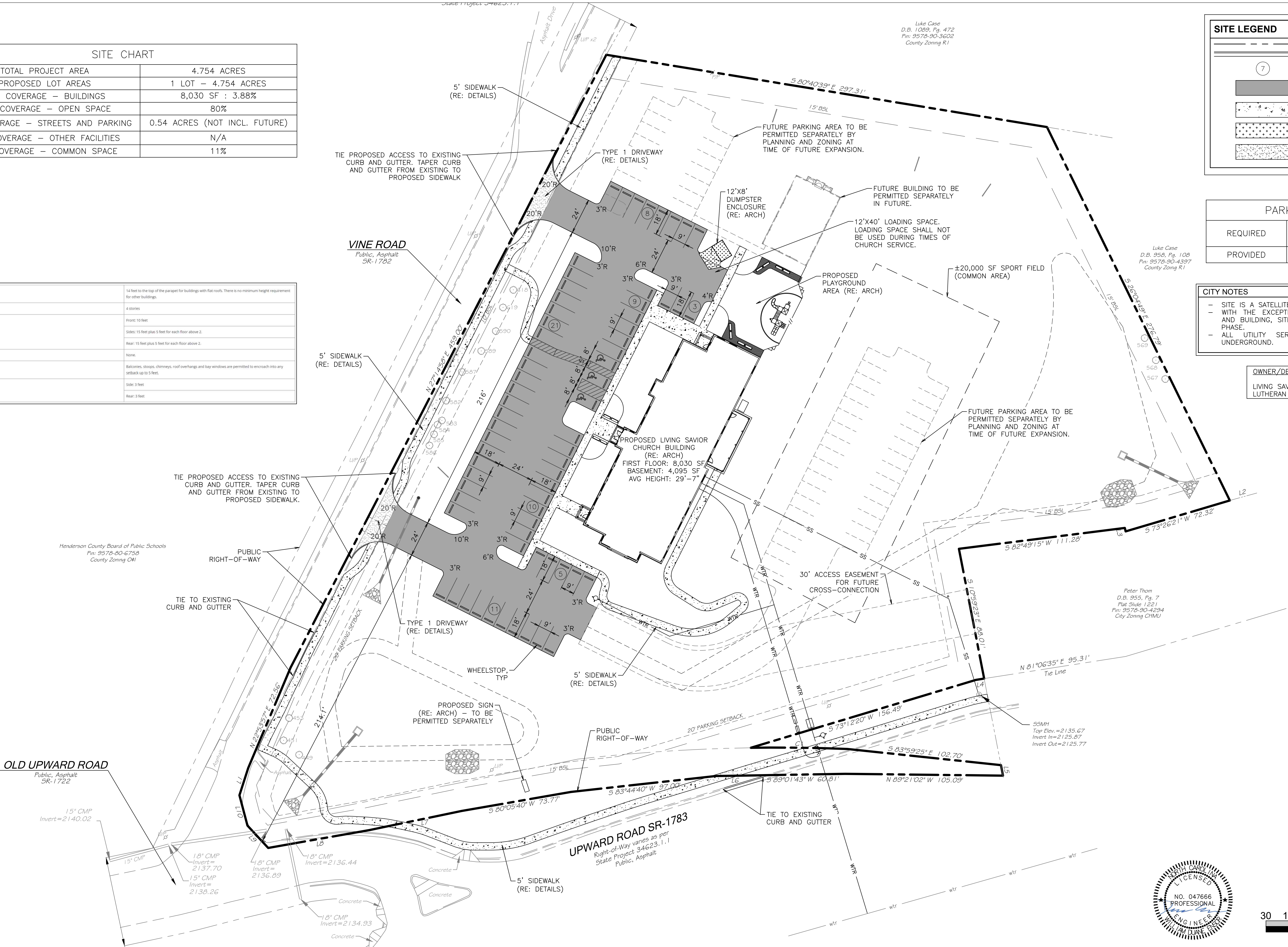
Minimum height:	14 feet to the top of the parapet for buildings with flat roofs. There is no minimum height requirement for other buildings.
Maximum height:	4 stories
Minimum setbacks:	Front: 10 feet Sides: 15 feet plus 5 feet for each floor above 2. Rear: 15 feet plus 5 feet for each floor above 2.
Minimum lot width:	None.
Encroachments:	Balconies, stoops, chimneys, roof overhangs and bay windows are permitted to encroach into any setback up to 5 feet.
Accessory structures:	Side: 3 feet Rear: 3 feet

SITE LEGEND	
	BOUNDARY LINE
	CONCRETE CURB AND GUTTER
	PARKING SPACE INDICATOR
	ASPHALT PAVING (RE: DETAILS)
	SIDEWALK (RE: DETAILS)
	HEAVY DUTY CONCRETE (RE: DETAILS)
	CITY CONCRETE (RE: DETAILS)

PARKING TABLE	
REQUIRED	1 SPACE / 4 SEATS : 210 SEATS = 53 SPACES
PROVIDED	67 SPACES

CITY NOTES	
- SITE IS A SATELLITE ANNEXED PROPERTY. - WITH THE EXCEPTION OF THE FUTURE PARKING AND BUILDING, SITE WILL BE DEVELOPED AS ONE PHASE. - ALL UTILITY SERVICES SHALL BE FED VIA UNDERGROUND.	

OWNER/DEVELOPER:
LIVING SAVIOR EVANGELICAL LUTHERAN CHURCH



PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

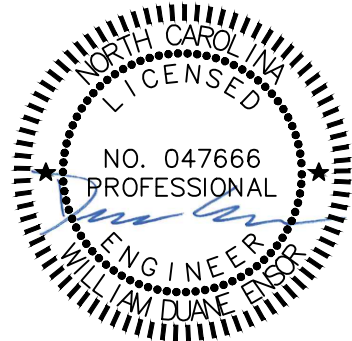
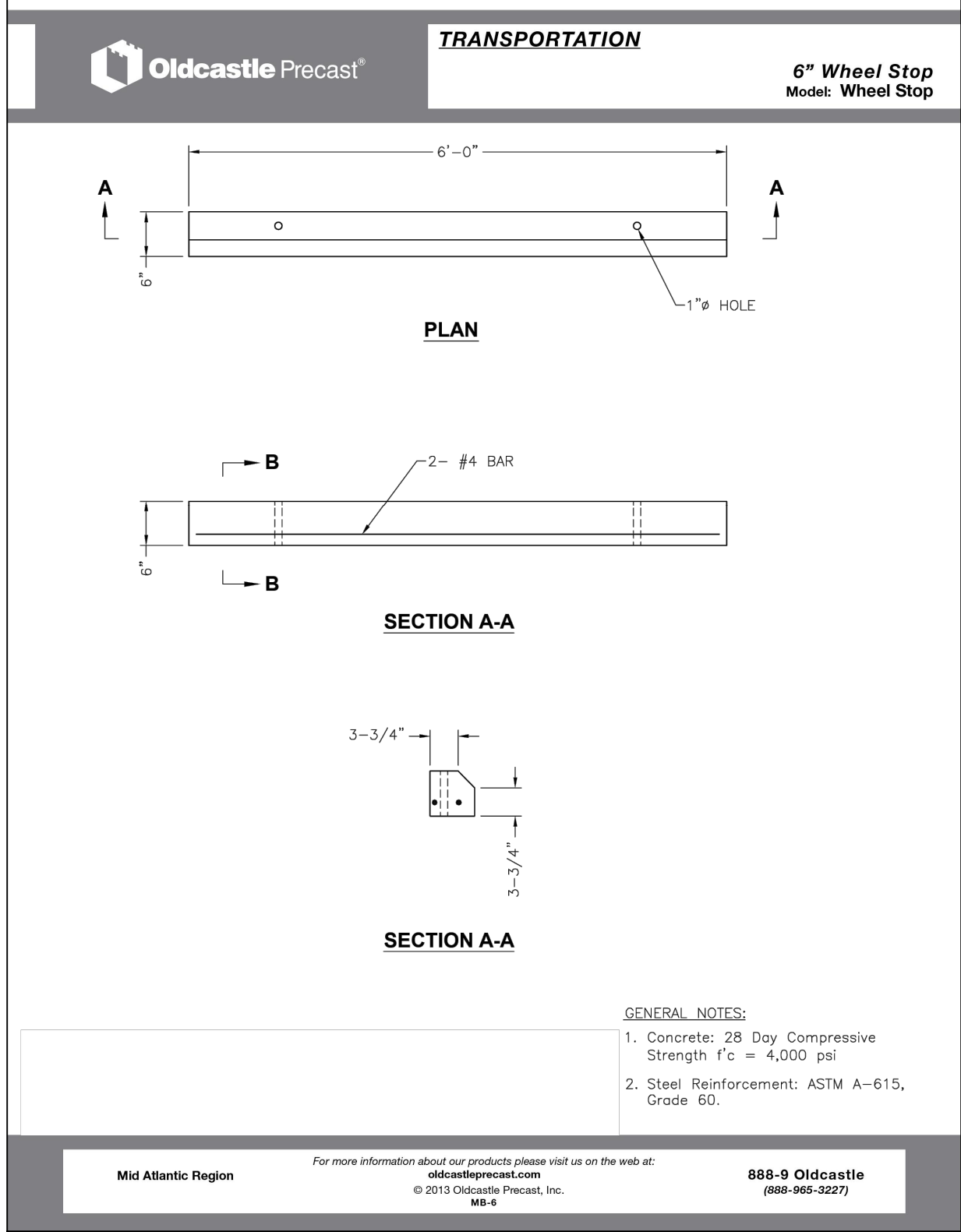
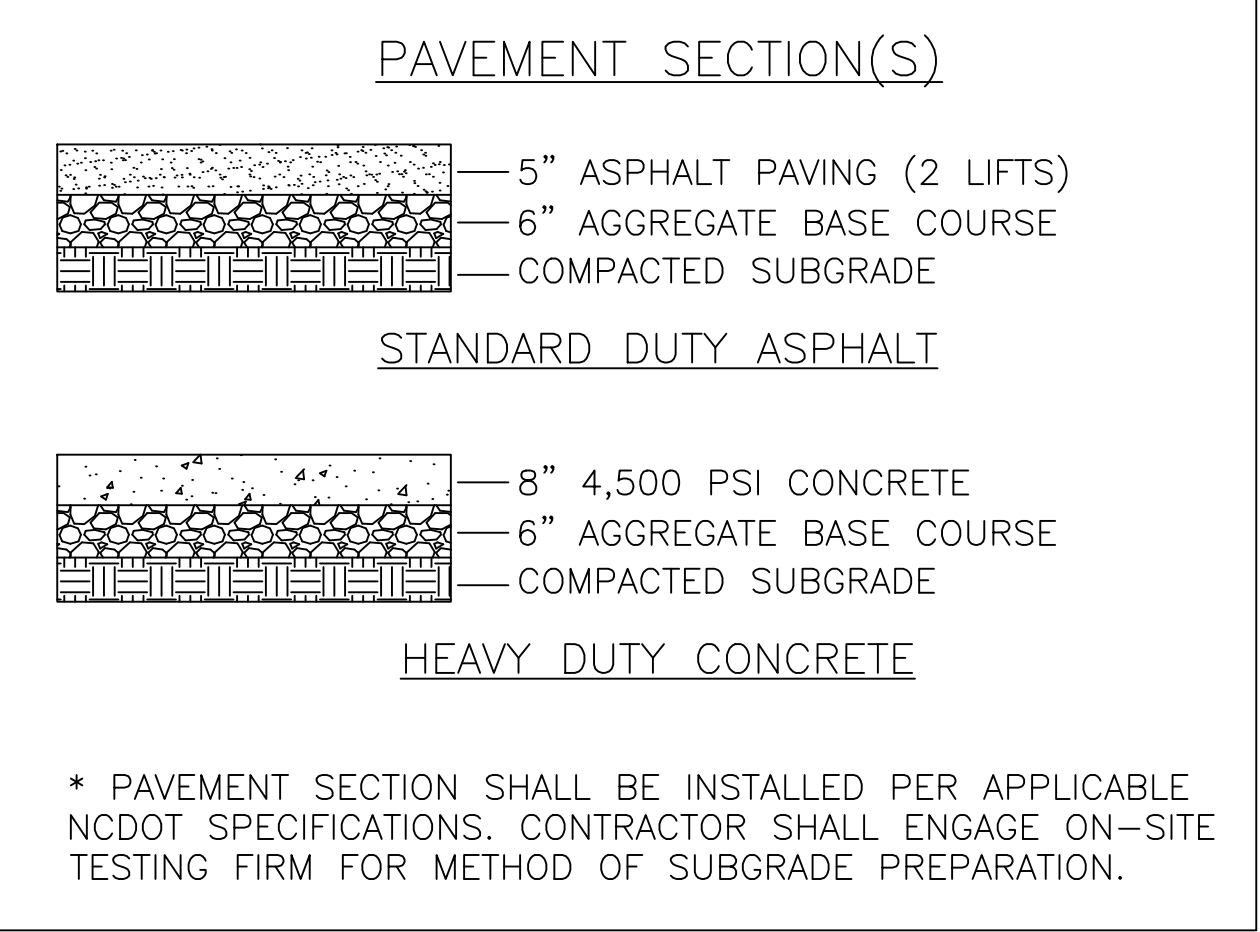
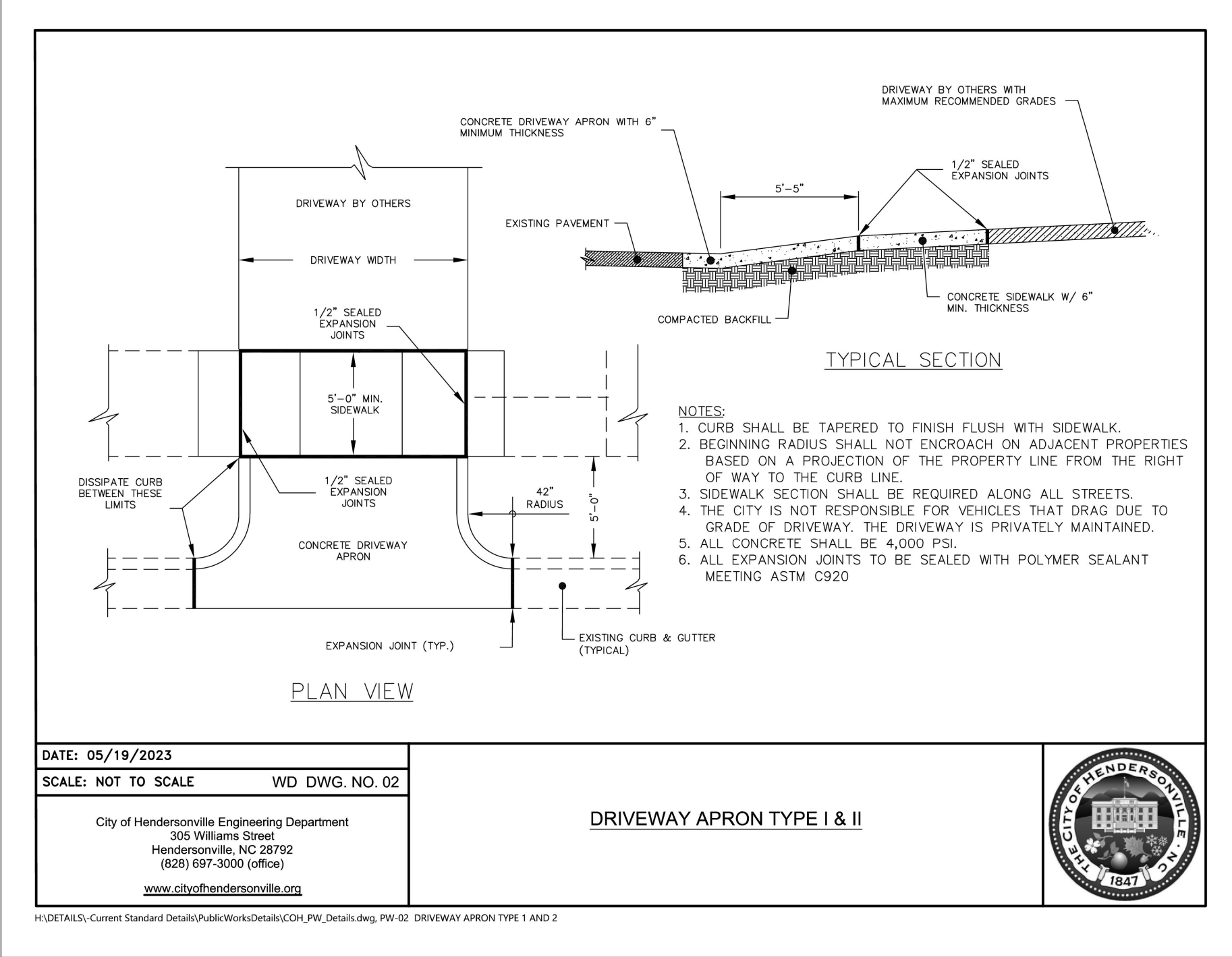
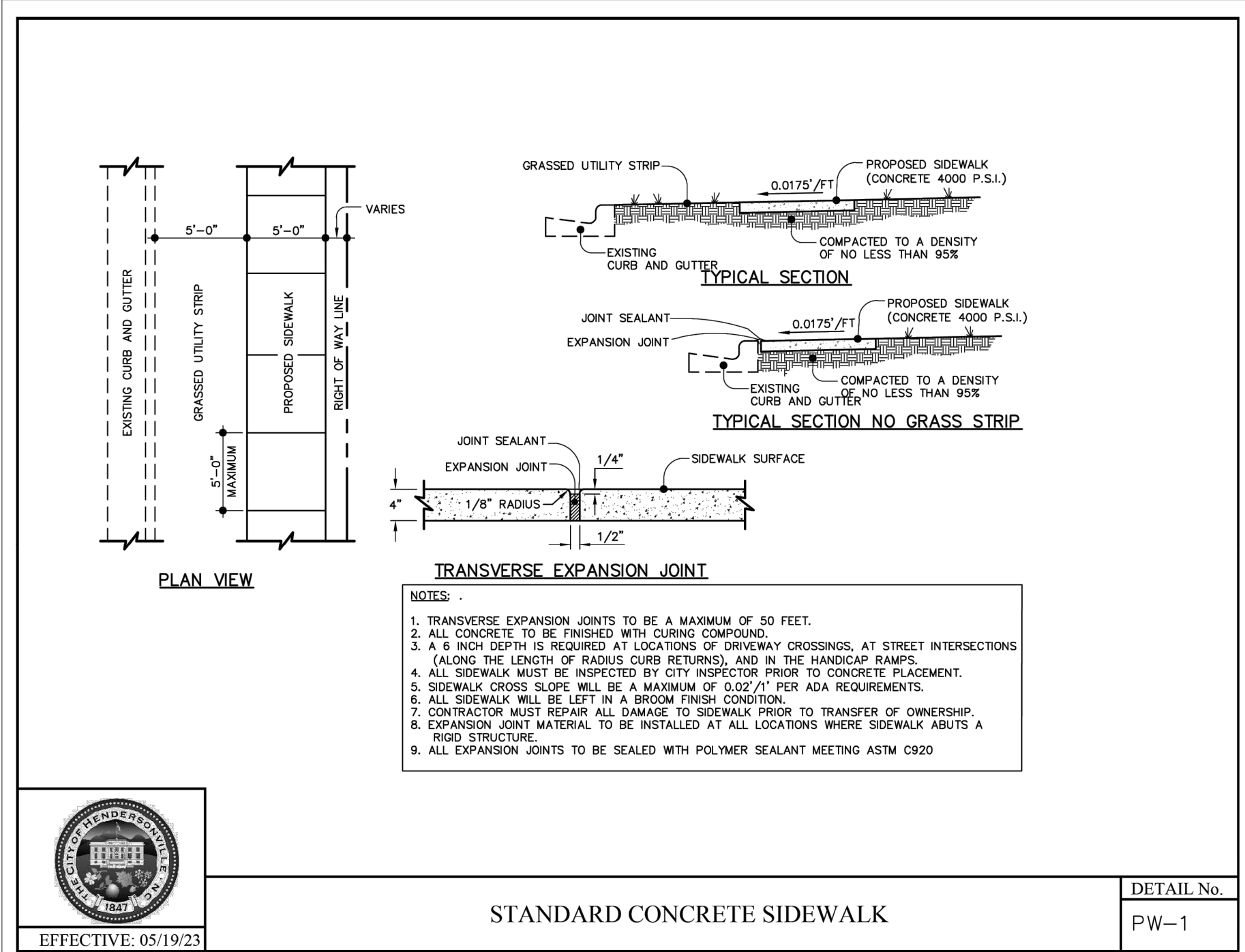
PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS			
NO.	DATE	DESCRIPTION	

LIVING SAVIOR CHURCH
SITE PLAN

FILE NAME: LIVING SAVIOR CHURCH CIVIL.SGN	BY:	JOB NO:	PMW-001	FLD. BK:		SHEET NO.	4 OF 18
NC COA:	P-2566	DRN BY:	WDE	SCALE:	AS SHOWN	DATE:	03.04.2024

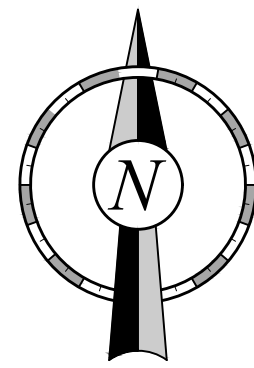
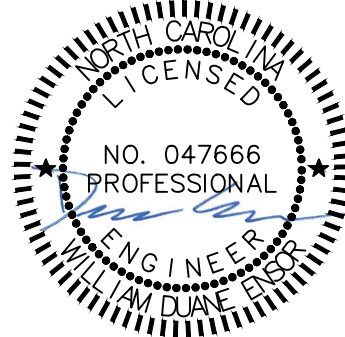
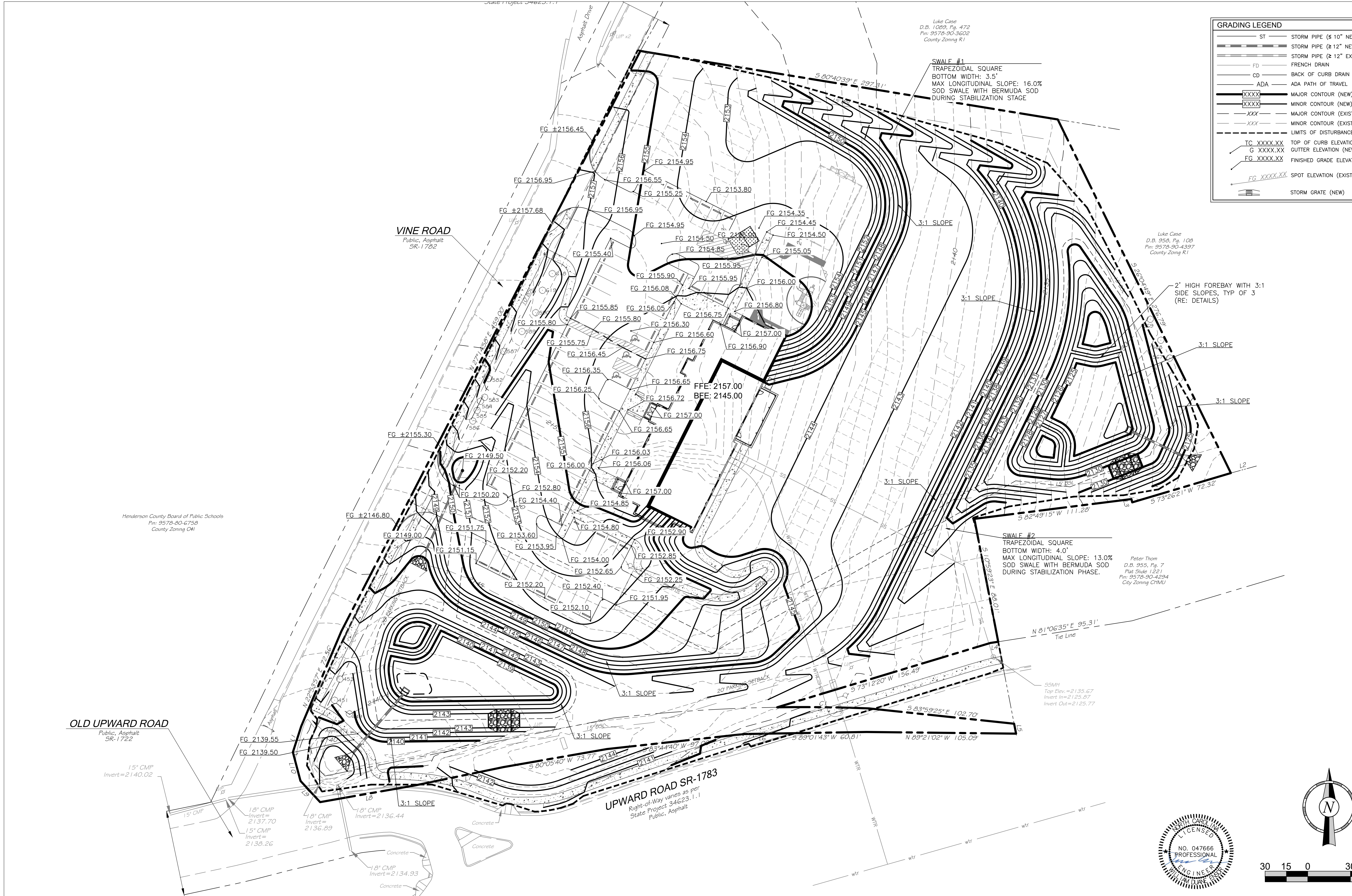
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PREPARED FOR: ADEPTUS ARCHITECTURE 121 MANLY STREET GREENVILLE, SC 29601	PREPARED BY: PHAROS LAND DESIGN, LLC Civil Site Engineering PO Box 31182, Greenville, SC 29608 c: 843-693-2335	REVISIONS						LIVING SAVIOR CHURCH				
		NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION	SITE DETAILS				
								FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG	DESIGN. BY:	JOB NO: PMW-001	FLD. BK:	SHEET NO. 5 OF 18
								NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	

GRADING LEGEND

- ST STORM PIPE (≤ 10" NEW)
- STORM PIPE (≥ 12" NEW)
- STORM PIPE (≥ 12" EXISTING)
- FD FRENCH DRAIN
- CD BACK OF CURB DRAIN
- ADA ADA PATH OF TRAVEL
- XXXX MAJOR CONTOUR (NEW)
- XXXX MINOR CONTOUR (NEW)
- XXX MAJOR CONTOUR (EXISTING)
- XXX MINOR CONTOUR (EXISTING)
- LIMITS OF DISTURBANCE
- TC XXXX.XX TOP OF CURB ELEVATION (NEW)
- G XXXX.XX GUTTER ELEVATION (NEW)
- FG XXXX.XX FINISHED GRADE ELEVATION (NEW)
- FG XXXX.XX SPOT ELEVATION (EXISTING)
- Storm Grate (NEW)

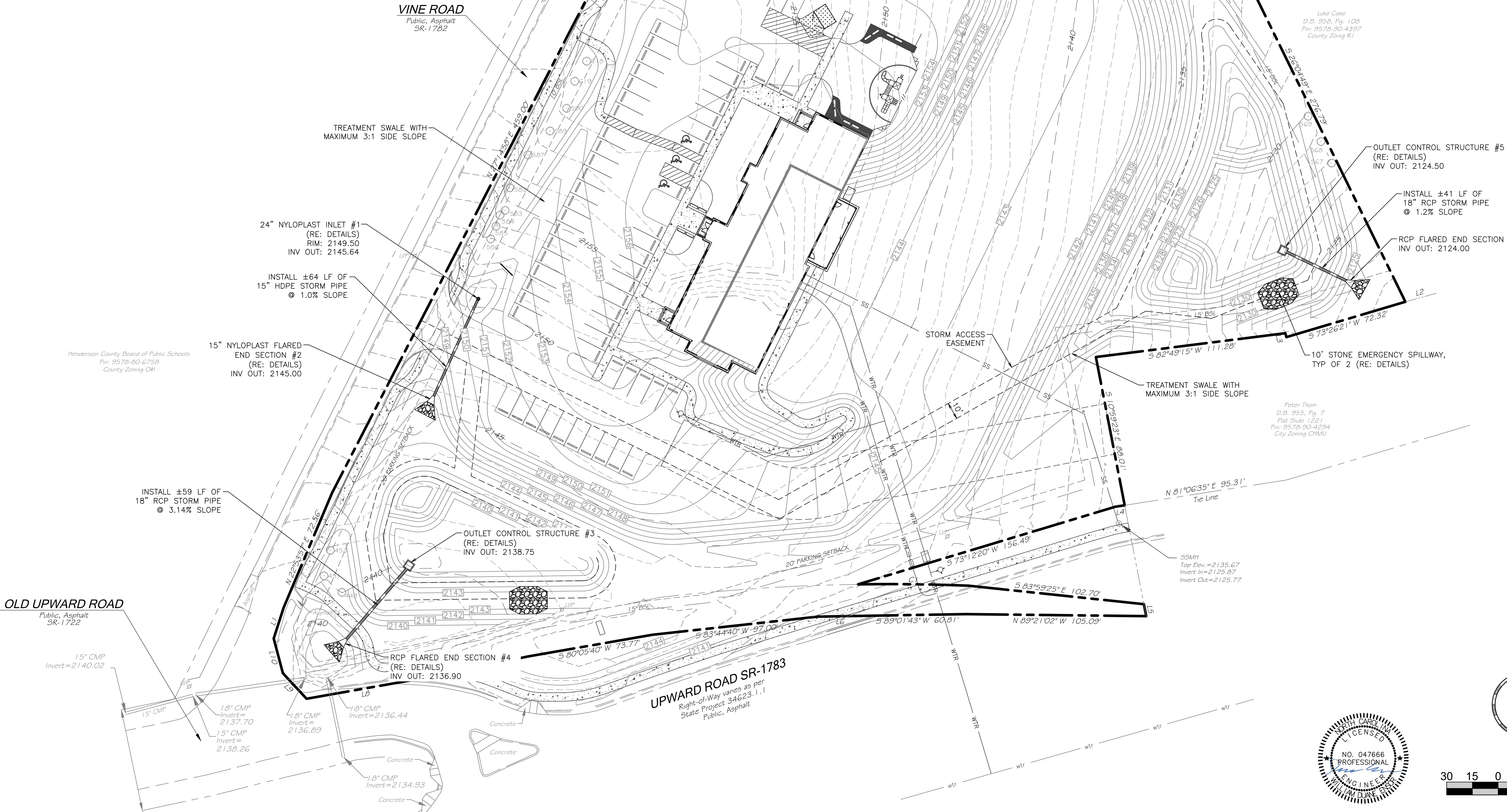


PREPARED FOR: ADEPTUS ARCHITECTURE 121 MANLY STREET GREENVILLE, SC 29601	PREPARED BY: PHAROS LAND DESIGN, LLC Civil Site Engineering PO Box 31182, Greenville, SC 29608 c: 843-693-2335	REVISIONS						LIVING SAVIOR CHURCH					
		NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION	GRADING PLAN					
FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG						DESIGN. BY:		JOB NO: PMW-001		FLD. BK:		SHEET NO.	
NC COA: P-2566						DRN BY: WDE		SCALE: AS SHOWN		DATE: 03.04.2024		6 OF 18	

STORM STRUCTURE TABLE			
STRUCTURE #	TYPE	INV IN	INV OUT
1	24" NYLOPLAST	N/A	2145.640
2	15" NYLOPLAST FLARED END SECTION	2145.000	2145.00
3	OUTLET CONTROL STRUCTURE (SW POND)	N/A	2138.75
4	RCP FLARED END SECTION	2136.900	2136.90
5	OUTLET CONTROL STRUCTURE (SE POND)	N/A	2124.500
5	RCP FLARED END SECTION	2124.000	2124.000

STORM PIPE TABLE		
PIPE	SIZE	SLOPE
1-2	15" HDPE	1.00%
3-4	18" RCP	3.14%
5-6	18" RCP	1.20%

STORM SEWER LEGEND	
ST	STORM PIPE (< 10" NEW)
CD	BACK OF CURB DRAIN
ST	STORM PIPE (> 12" NEW)
ST	STORM PIPE (> 12" EXISTING)
MAJ	MAJOR CONTOUR (NEW)
MIN	MINOR CONTOUR (NEW)
MAJ	MAJOR CONTOUR (EXISTING)
MIN	MINOR CONTOUR (EXISTING)
SG	STORM GRATE (NEW)



PREPARED FOR:
ADEPTUS ARCHITECTURE

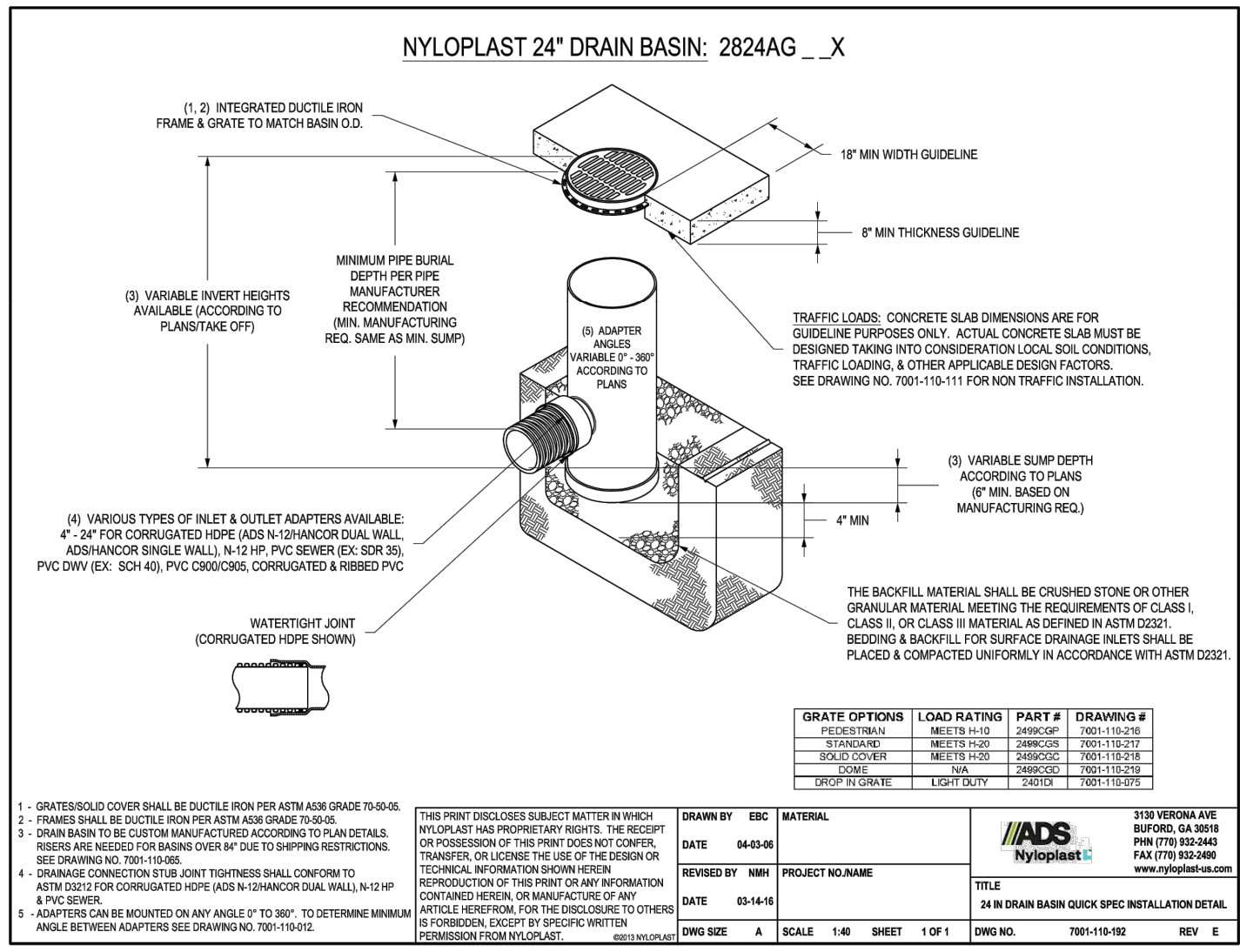
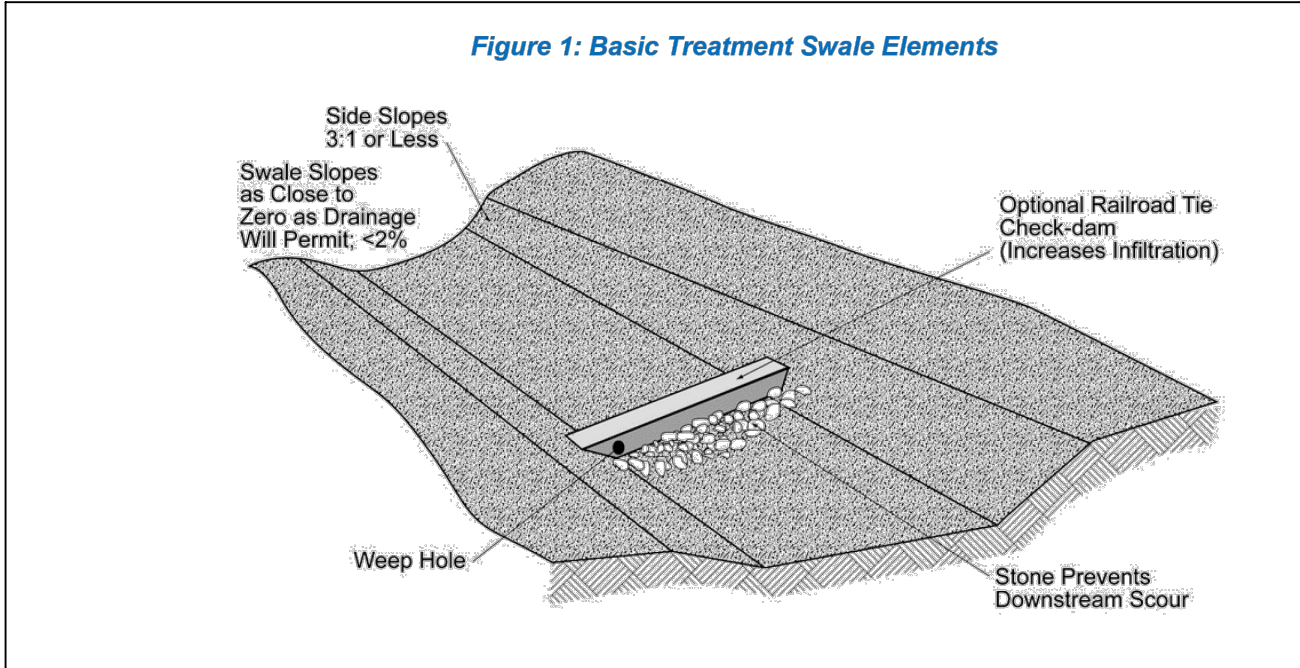
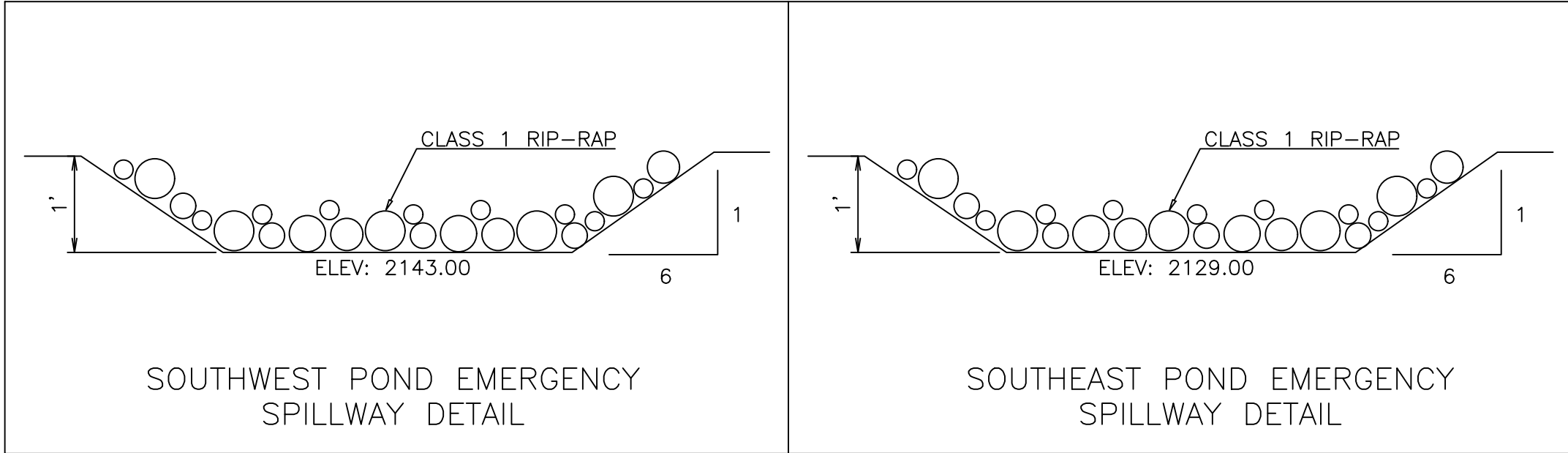
121 MANLY STREET
GREENVILLE, SC 29601

PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

NO.		DATE		DESCRIPTION	

LIVING SAVIOR CHURCH
STORM PLAN

FILE NAME: LIVING SAVIOR CHURCH CIVIL.SGN. BY:	JOB NO: PMW-001	FLD. BK:	SHEET NO.
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	7 OF 18
DATE: 03.04.2024			



ADS, Inc. Drainage Handbook Specifications • 1-38

FLARED END SECTION SPECIFICATION

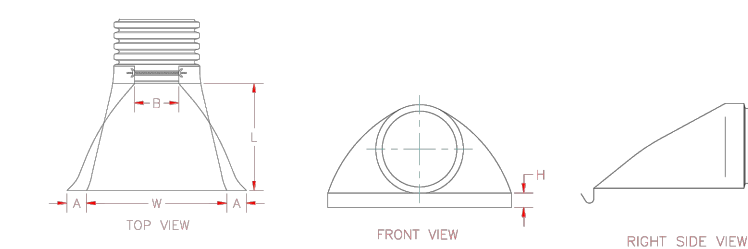
Scope
This specification describes 12- through 36-inch (300 to 900mm) Flared End Sections for use in culvert and drainage outlet applications.

Requirements
The Flared End Section shall be high density polyethylene meeting ASTM D3350 minimum cell classification 21320C; contact manufacturer for additional cell classification information. When provided, the metal threaded fastening rod shall be stainless steel.

Installation
Installation shall be in accordance with ADS installation instructions and with those issued by state or local authorities. Contact your local ADS representative or visit www.adsppipe.com for the latest installation instructions.

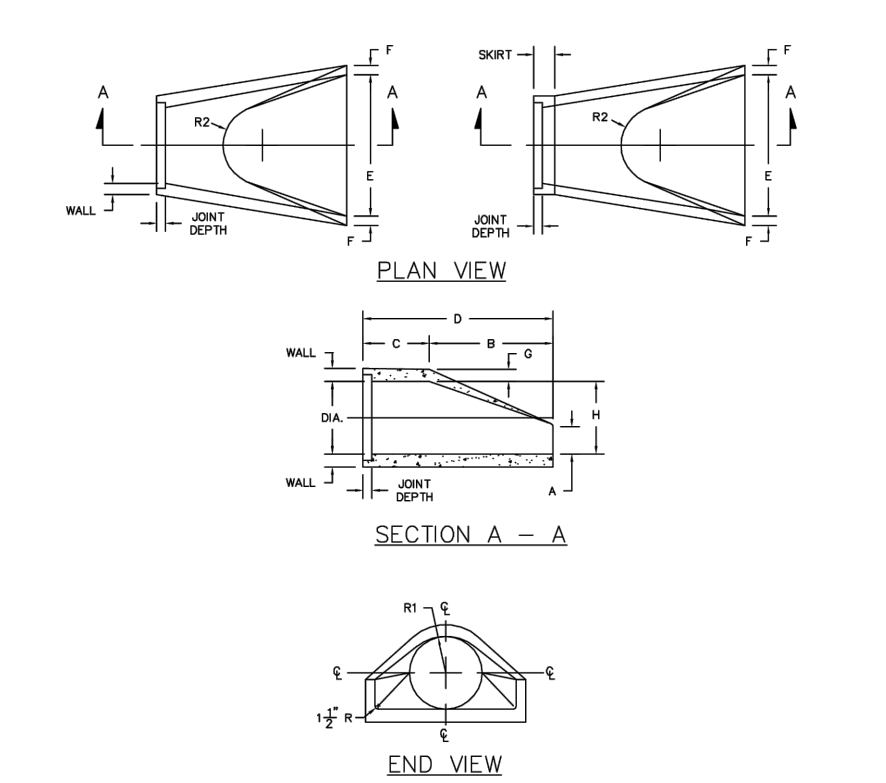
FLARE DIMENSIONS (inches)				
FLARE DIAMETER	12	18	24	36
FLARE LENGTH	12.0	17.75	24.0	36.0
FLARE THICKNESS	0.5	0.5	0.5	0.5
FLARE RADIUS	15.0	15.0	15.0	15.0
FLARE WEIGHT	0.75	0.75	0.75	0.75
FLARE AREA	0.5	0.5	0.5	0.5
FLARE VOLUME	0.005	0.005	0.005	0.005
FLARE PERIMETER	25.0	25.0	25.0	25.0
FLARE SURFACE AREA	0.75	0.75	0.75	0.75

*Product detail may differ slightly from actual product appearance



© ADS, Inc., August 2023

CIRCULAR FLARED END SECTION
CONCRETE PIPE



DIAMETER	WALL THICKNESS	JOINT DEPTH	APPROX. WEIGHT	FLARE LENGTH	FLARE DIAMETER	FLARE THICKNESS	FLARE RADIUS	FLARE WEIGHT	FLARE AREA	FLARE VOLUME	FLARE PERIMETER
12"	4"	3-1/4"	3500	12"	12"	0.5"	15"	0.005	0.5	0.005	25"
18"	4"	3-1/4"	7000	17-3/4"	18"	0.5"	15"	0.005	0.5	0.005	25"
24"	4"	3-1/4"	10500	24"	24"	0.5"	15"	0.005	0.5	0.005	25"
36"	4"	3-1/4"	15750	36"	36"	0.5"	15"	0.005	0.5	0.005	25"

16419 TEN LANE, NAMPA, IDAHO 83687-(208)465-0176, 1-800-696-5648-FAX(208)465-7129
* ITEMS SHOWN ARE SUBJECT TO CHANGE WITHOUT NOTICE



LIVING SAVIOR CHURCH
STORM DETAILS

PREPARED FOR:
ADEPTUS ARCHITECTURE
121 MANLY STREET
GREENVILLE, SC 29601

PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS				REVISIONS			
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION	NO.	DATE

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NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	

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FILE LOCATION: C:\Users\luone\Dropbox\Living Savior Church\Living Savior Church Civil.dwg TAB NAME: Pre-Dev Map USER: luone SAVED: 3/4/2024 7:47 PM PLOTTED: 3/4/2024 7:50 PM

OLD UPWARD ROAD
Public, Asphalt
SR-1722

15" CMP
Invert = 2140.02

18" CMP
Invert = 2137.70
15" CMP
Invert = 2135.26

18" CMP
Invert = 2136.89
18" CMP
Invert = 2136.44

18" CMP
Invert = 2134.93

VINE ROAD
Public, Asphalt
SR-1782

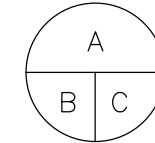
Henderson County Board of Public Schools
Pin: 9578-90-6758
County Zoning CM1

UPWARD ROAD SR-1783
Right-of-Way varies as per
State Project 34623.1.1
Public, Asphalt

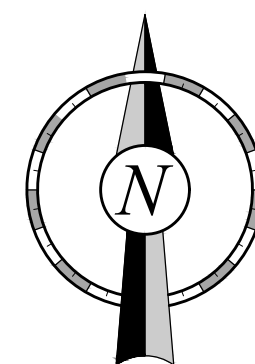
AP #1
3.33 61

AP #2
3.33 61

LEGEND



A - DRAINAGE AREA
B - AREA (AC)
C - CURVE NUMBER



30 15 0 30 60

PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

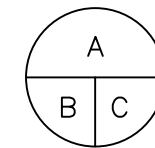
PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS				REVISIONS			
NO.	DATE	DESCRIPTION		NO.	DATE	DESCRIPTION	

LIVING SAVIOR CHURCH
PRE-DEVELOPMENT DRAINAGE MAP

FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG	DESIGN. BY: WDE	JOB NO: PMW-001	FLD. BK:	SHEET NO. 9 OF 18
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	

LEGEND



A - DRAINAGE AREA
B - AREA (AC)
C - CURVE NUMBER

IMPERVIOUS COVERAGE

POST-DEV	0.98 ACRES
FUTURE	0.50 ACRES
TOTAL	1.48 ACRES

VINE ROAD
Public, Asphalt
SR-1782

Henderson County Board of Public Schools
D.B. 9578-90-675B
County Zoning OM

OLD UPWARD ROAD
Public, Asphalt
SR-1722

15" CMP
Invert=2140.02

18" CMP
Invert=2137.70
15" CMP
Invert=2138.26

18" CMP
Invert=2136.89

18" CMP
Invert=2136.44

18" CMP
Invert=2134.93

UPWARD ROAD SR-1783
Right-of-Way varies as per
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Public, Asphalt

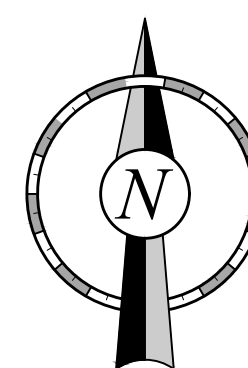
Luke Case
D.B. 1089, Pg. 472
Pm: 9578-90-5602
County Zoning R1

Luke Case
D.B. 958, Pg. 108
Pm: 9578-90-4397
County Zoning R1

Peter Thom
D.B. 955, Pg. 7
Plot Slide 1221
Pm: 9578-90-4294
City Zoning CHMU

N 81°06'35" E 95.31'
Tie Line

55MH
Top Elev.=2135.67
Invert In=2125.87
Invert Out=2125.77



30 15 0 30 60

PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

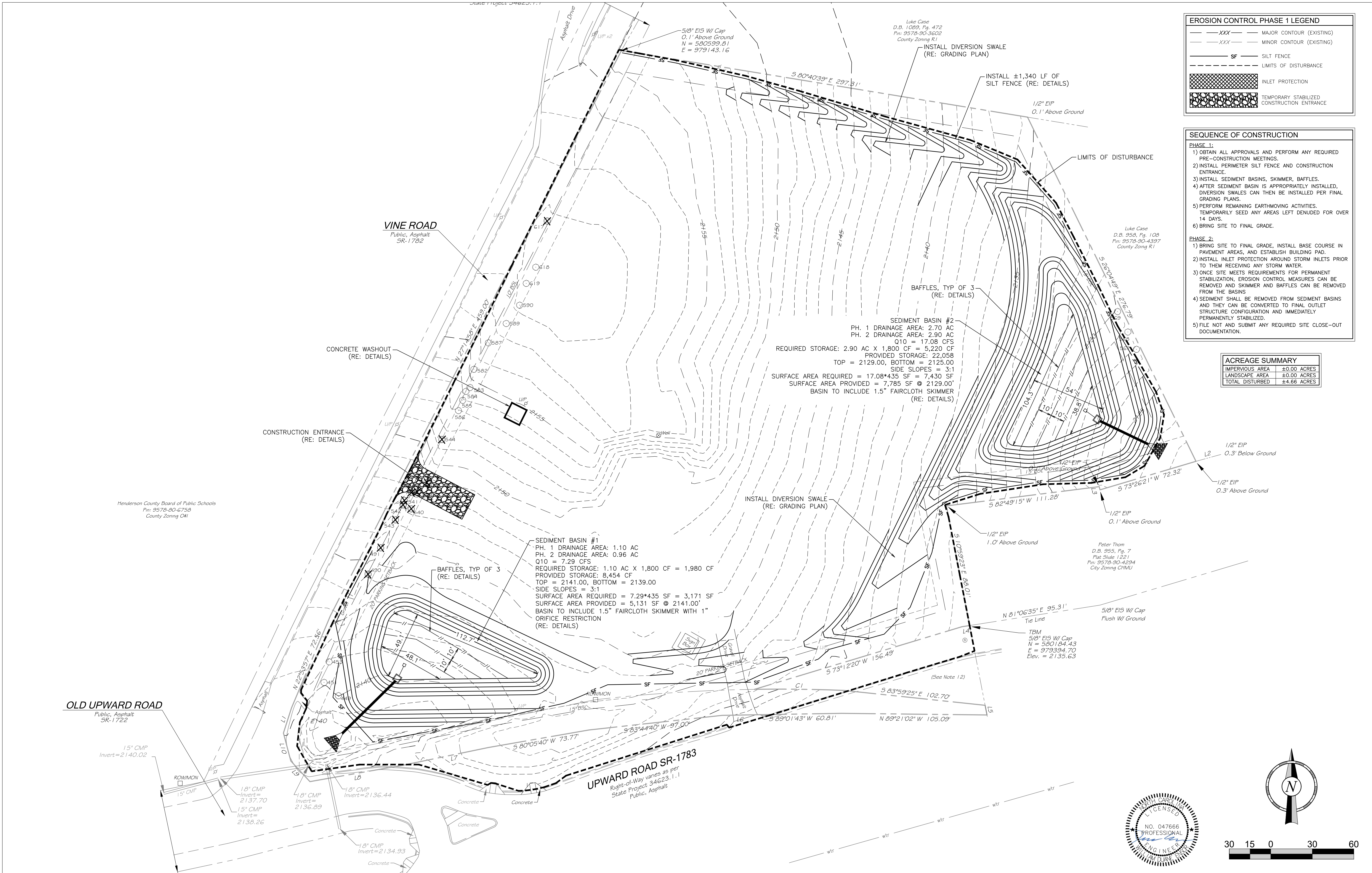
PREPARED BY:
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Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS			
NO.	DATE	DESCRIPTION	

LIVING SAVIOR CHURCH
POST-DEVELOPMENT DRAINAGE MAP

FILE NAME: LIVING SAVIOR CHURCH CIVILSGN. BY:	JOB NO: PMW-001	FLD. BK:	SHEET NO.
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024
			10 OF 18

FILE LOCATION: \\Users\luone\Dropbox\Living Savior Church\Living Savior Church Civil.dwg TAB NAME: Erosion PH 1 USER: luone SAVED: 3/4/2024 7:50 PM PLOTTED: 3/4/2024 7:50 PM



EROSION CONTROL PHASE 1 LEGEND

- XXX--- MAJOR CONTOUR (EXISTING)
- XXX--- MINOR CONTOUR (EXISTING)
- SF--- SILT FENCE
- --- LIMITS OF DISTURBANCE
- [Pattern] INLET PROTECTION
- [Pattern] TEMPORARY STABILIZED CONSTRUCTION ENTRANCE

SEQUENCE OF CONSTRUCTION

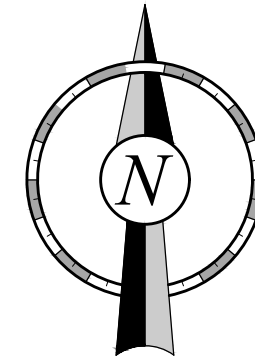
PHASE 1:

- OBTAIN ALL APPROVALS AND PERFORM ANY REQUIRED PRE-CONSTRUCTION MEETINGS.
- INSTALL PERIMETER SILT FENCE AND CONSTRUCTION ENTRANCE.
- INSTALL SEDIMENT BASINS, SKIMMER, BAFFLES.
- AFTER SEDIMENT BASIN IS APPROPRIATELY INSTALLED, DIVERSION SWALES CAN THEN BE INSTALLED PER FINAL GRADING PLANS.
- PERFORM REMAINING EARTHMOVING ACTIVITIES.
- TEMPORARILY SEED ANY AREAS LEFT DENuded FOR OVER 14 DAYS.
- BRING SITE TO FINAL GRADE.

PHASE 2:

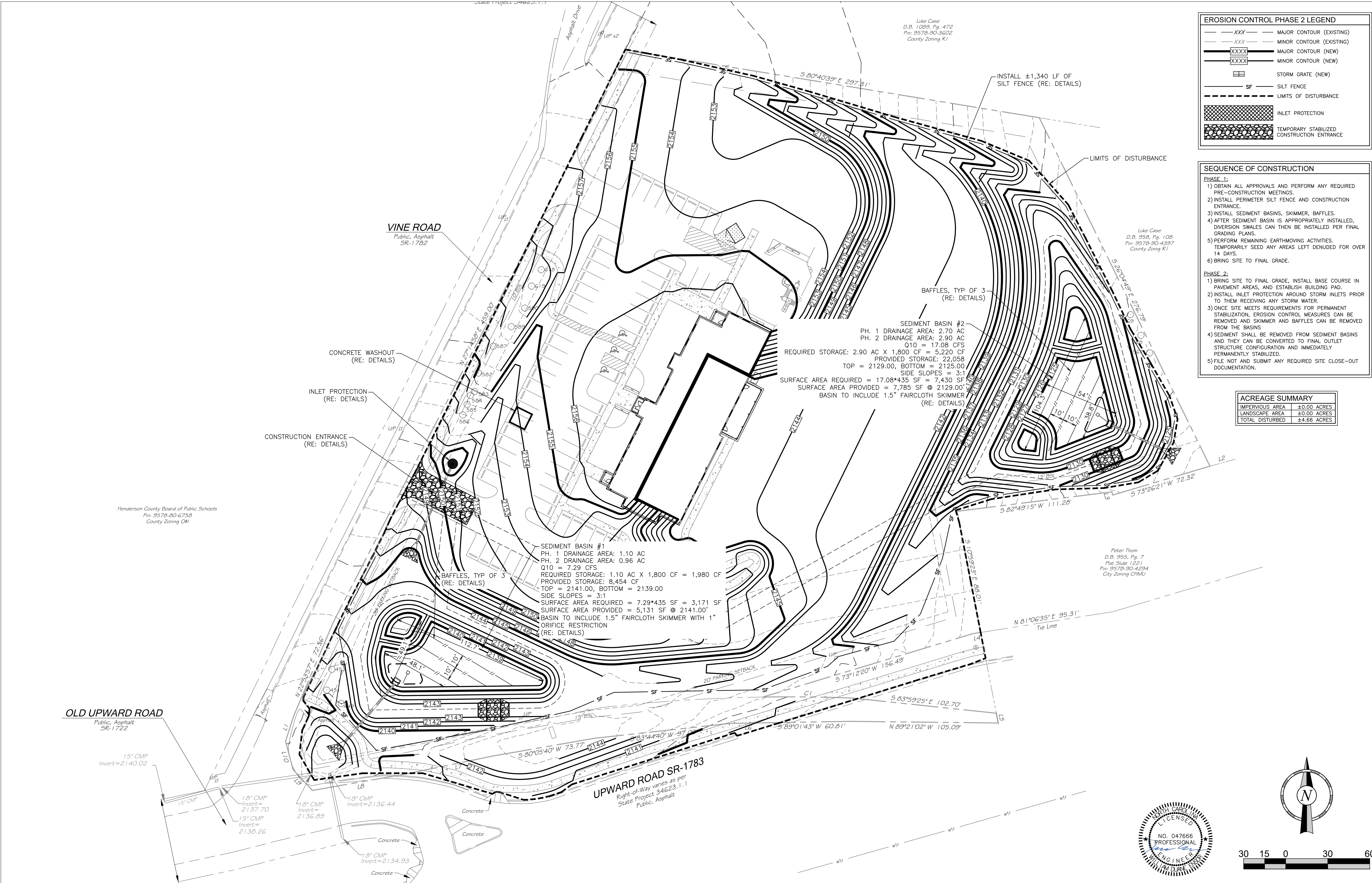
- BRING SITE TO FINAL GRADE, INSTALL BASE COURSE IN PAVEMENT AREAS, AND ESTABLISH BUILDING PAD.
- INSTALL INLET PROTECTION AROUND STORM INLETS PRIOR TO THEM RECEIVING ANY STORM WATER.
- ONCE SITE MEETS REQUIREMENTS FOR PERMANENT STABILIZATION, EROSION CONTROL MEASURES CAN BE REMOVED AND SKIMMER AND BAFFLES CAN BE REMOVED FROM THE BASINS.
- SEDIMENT SHALL BE REMOVED FROM SEDIMENT BASINS AND THEY CAN BE CONVERTED TO FINAL OUTLET STRUCTURE CONFIGURATION AND IMMEDIATELY PERMANENTLY STABILIZED.
- FILE NOT AND SUBMIT ANY REQUIRED SITE CLOSE-OUT DOCUMENTATION.

ACREAGE SUMMARY	
IMPERVIOUS AREA	±0.00 ACRES
LANDSCAPE AREA	±0.00 ACRES
TOTAL DISTURBED	±4.66 ACRES



PREPARED FOR: ADEPTUS ARCHITECTURE 121 MANLY STREET GREENVILLE, SC 29601		PREPARED BY: PHAROS LAND DESIGN, LLC Civil Site Engineering PO Box 31182, Greenville, SC 29608 c: 843-693-2335		REVISIONS		LIVING SAVIOR CHURCH EROSION CONTROL PLAN PHASE I	
NO.		DATE		DESCRIPTION		FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG	
NO.		DATE		DESCRIPTION		JOB NO: PMW-001	
NO.		DATE		DESCRIPTION		FLD. BK:	
NO.		DATE		DESCRIPTION		SHEET NO.	
NO.		DATE		DESCRIPTION		11 OF 18	

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EROSION CONTROL PHASE 2 LEGEND

- XXX--- MAJOR CONTOUR (EXISTING)
- XXX--- MINOR CONTOUR (EXISTING)
- XXXX--- MAJOR CONTOUR (NEW)
- XXXX--- MINOR CONTOUR (NEW)
- [Symbol] STORM GRATE (NEW)
- SF--- SILT FENCE
- LIMITS OF DISTURBANCE
- [Symbol] INLET PROTECTION
- [Symbol] TEMPORARY STABILIZED CONSTRUCTION ENTRANCE

SEQUENCE OF CONSTRUCTION

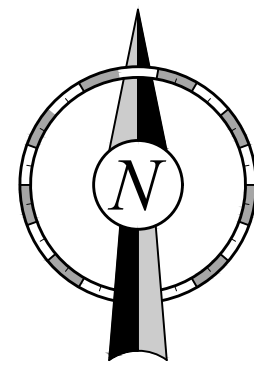
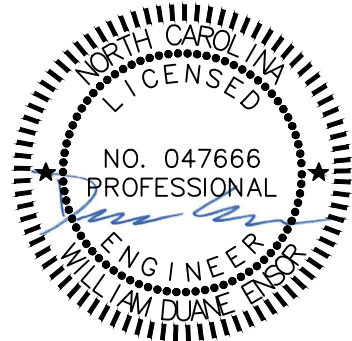
PHASE 1:

- 1) OBTAIN ALL APPROVALS AND PERFORM ANY REQUIRED PRE-CONSTRUCTION MEETINGS.
- 2) INSTALL PERIMETER SILT FENCE AND CONSTRUCTION ENTRANCE.
- 3) INSTALL SEDIMENT BASINS, SKIMMER, BAFFLES.
- 4) AFTER SEDIMENT BASIN IS APPROPRIATELY INSTALLED, DIVERSION SWALES CAN THEN BE INSTALLED PER FINAL GRADING PLANS.
- 5) PERFORM REMAINING EARTHMOVING ACTIVITIES. TEMPORARILY SEED ANY AREAS LEFT DENUDE FOR OVER 14 DAYS.
- 6) BRING SITE TO FINAL GRADE.

PHASE 2:

- 1) BRING SITE TO FINAL GRADE, INSTALL BASE COURSE IN PAVEMENT AREAS, AND ESTABLISH BUILDING PAD.
- 2) INSTALL INLET PROTECTION AROUND STORM INLETS PRIOR TO THEM RECEIVING ANY STORM WATER.
- 3) ONCE SITE MEETS REQUIREMENTS FOR PERMANENT STABILIZATION, EROSION CONTROL MEASURES CAN BE REMOVED AND SKIMMER AND BAFFLES CAN BE REMOVED FROM THE BASINS.
- 4) SEDIMENT SHALL BE REMOVED FROM SEDIMENT BASINS AND THEY CAN BE CONVERTED TO FINAL OUTLET STRUCTURE CONFIGURATION AND IMMEDIATELY PERMANENTLY STABILIZED.
- 5) FILE NOT AND SUBMIT ANY REQUIRED SITE CLOSE-OUT DOCUMENTATION.

ACREAGE SUMMARY	
IMPERVIOUS AREA	±0.00 ACRES
LANDSCAPE AREA	±0.00 ACRES
TOTAL DISTURBED	±4.66 ACRES



PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

NO.		DATE	DESCRIPTION	REVISIONS		NO.	DATE	DESCRIPTION

LIVING SAVIOR CHURCH
EROSION CONTROL PLAN PHASE II

FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG	DESIGN BY: WDE	JOB NO: PMW-001	FLD. BK: 03.04.2024	SHEET NO. 12 OF 18
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	

Practice Standards and Specifications

6.06 TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT

Definition A gravelled area or pad located at points where vehicles enter and leave a construction site.

Purpose To provide a buffer area where vehicles can drop their mud and sediment to avoid transporting it onto public roads, to contain storm drain surface runoff, and to help control dust.

Conditions Where Practice Applies Whenever traffic will be having a construction site and moving directly onto a public road or other paved off-site area. Construction plans should install traffic properly constructed gravel.

Design Criteria Aggregate Size - Use 3/4 inch washed stone.

Dimensions of gravel pad:
Thickness - 12 inch minimum
Width - 12-foot minimum or full width at all points of the vehicle entrance and exit area, whichever is greater.
Length - 50-foot minimum.

Location - Locate construction entrances and exits to limit sediment from leaving the site and to provide for maximum entry by all construction vehicles (Figure 6.06a). Avoid steep grades, and entrance or curves in public roads.

Figure 6.06a Gravel entrance/exits pad design for leaving the construction site (modified from NCEM).

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6

Practice Standards and Specifications

Working - If conditions at the site are such that most of the mud and sediment are not removed by vehicle traveling over the gravel, the tires should be washed. Washing should be done on an area stabilized with crushed stone that drains into a sediment trap or other suitable disposal area. A wash rack may also be used to make washing more convenient and effective.

Construction Specifications

1. Clear the entrance and exit area of all vegetation, roots, and other obstructions to material and proper gravel.

2. Place the gravel to the specified grade and dimensions shown on the plans, and smooth it.

3. Provide drainage to carry water to a sediment trap or other suitable outlet.

4. The generic fabric barrier may improve stability of the foundation in locations subject to seepage or high water table.

Maintenance

Maintain the gravel pad in a condition to prevent mud or sediment from leaving the construction site. This may require periodic replenishing with 2-inch stone. After each rainfall, inspect any structure used to trap sediment and clean it out as necessary. Immediately remove all disposable materials, spilled, washed, or tracked onto public roadways.

References

6.01. Concrete Channels

6.02. Gravel Channels

6.03. Temporary Sediment Traps

6.04. Temporary Sediment Traps

6.05. Temporary Sediment Traps

6.06. Temporary Sediment Traps

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Practice Standards and Specifications

HARDWARE CLOTH & GRAVEL INLET PROTECTION

Definition A temporary removal of wire-mesh hardware cloth around steel posts supporting washed tires placed around the opening of a drain area.

Purpose To prevent sediment from entering drain inlets, graded storm drains or drop inlets during construction. This practice allows early use of the storm drain system.

Conditions Where Practice Applies To be placed around a catch basin or a drop inlet and where the flow is light to moderate. If heavy flow is anticipated, use the rock angler inlet protection method (Practice 6.54, Rock Angler Inlet Protection). It is also used where storm drain inlets are to be made operational before permanent stabilization of the disturbed drainage area. This method of inlet protection is effective where the inlet is expected to drain shallow base flow. The immediate land area around the inlet should be relatively flat (less than 1 percent) and located on the accumulated sediment can be easily removed.

Design Criteria This practice must not be used near the edge of fill material and must not divert water over cut or fill slopes.

For retaining the wire mesh hardware cloth barriers, use steel 1-inch posts. The posts must be 1/2 inch diameter and must have a minimum length of 5 feet. Make sure the steel posts have projections to facilitate fanning the fabric.

For reinforcement of standard strength fabric fabric, use wire fabric with a minimum 1/4 gauge and a maximum mesh spacing of 4 inches.

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POROUS BAFFLES



Figure 6.65a Porous baffles in a sediment basin. The flow is distributed evenly across the basin to reduce flow rates and turbulence, resulting in greater sediment retention.

Baffles need to be installed correctly in order to fully provide their benefits. Refer to Figure 6.65b and the following key points:

Baffle Material should be secured to the bottom and sides of basin using 12" landscape staples

666

Figure 6.65b Coir Fiber Baffle Detail
Cross section of a porous baffle in a sediment basin



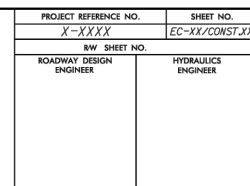
1. SEED AND PLACE MATTING FOR EROSION CONTROL ON INTERIOR AND EXTERIOR SIDESLOPES.
2. INSTALL A MINIMUM OF 3 COIR FIBER BAFFLES IN ACCORDANCE WITH PRACTICE STANDARD 6.65.
3. INSTALL SKIMMER AND COUPLING TO RISER STRUCTURE OR DIRECTLY INTO EMBANKMENT 1 FT. FROM BOTTOM OF BASIN
4. THE ARM PIPE SHALL HAVE A MINIMUM LENGTH OF 6 FT. BETWEEN THE SKIMMER AND COUPLING.

NOT TO SCALE

Figure 6.61d Sediment Basin (with Riser Barrel Pipe)



1. L_a is the length of the riprap apron.
2. $d = 1.5$ times the maximum stone diameter but not less than 6".
3. In a well-defined channel extend the apron up the channel banks to an elevation of 6" above the maximum tailwater depth or to the top of the bank, whichever is less.
4. A filter blanket or filter fabric should be installed between the riprap and soil foundation.



PLAN

3. CONCRETE WASHOUT STRUCTURE NEEDS TO BE CLEARLY MARKED WITH SIGNAGE NOTING DEVICE.

PREPARED FOR:
ADEPTUS ARCHITECTURE
121 MANLY STREET
GREENVILLE, SC 29601

PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS					
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

LIVING SAVIOR CHURCH EROSION CONTROL DETAILS

FILE NAME: LIVING SAVIOR CHURCH	DESIGN. BY:	JOB NO: PMW-001	FLD. BK:	SHEET NO.
NC COA: P-2566	DRN BY: WDE	SCALE: AS SHOWN	DATE: 03.04.2024	14 OF 18

UTILITY GENERAL NOTES

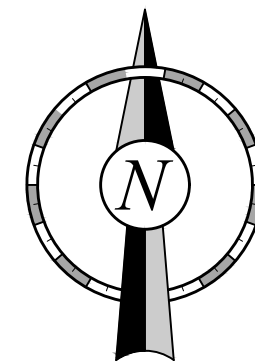
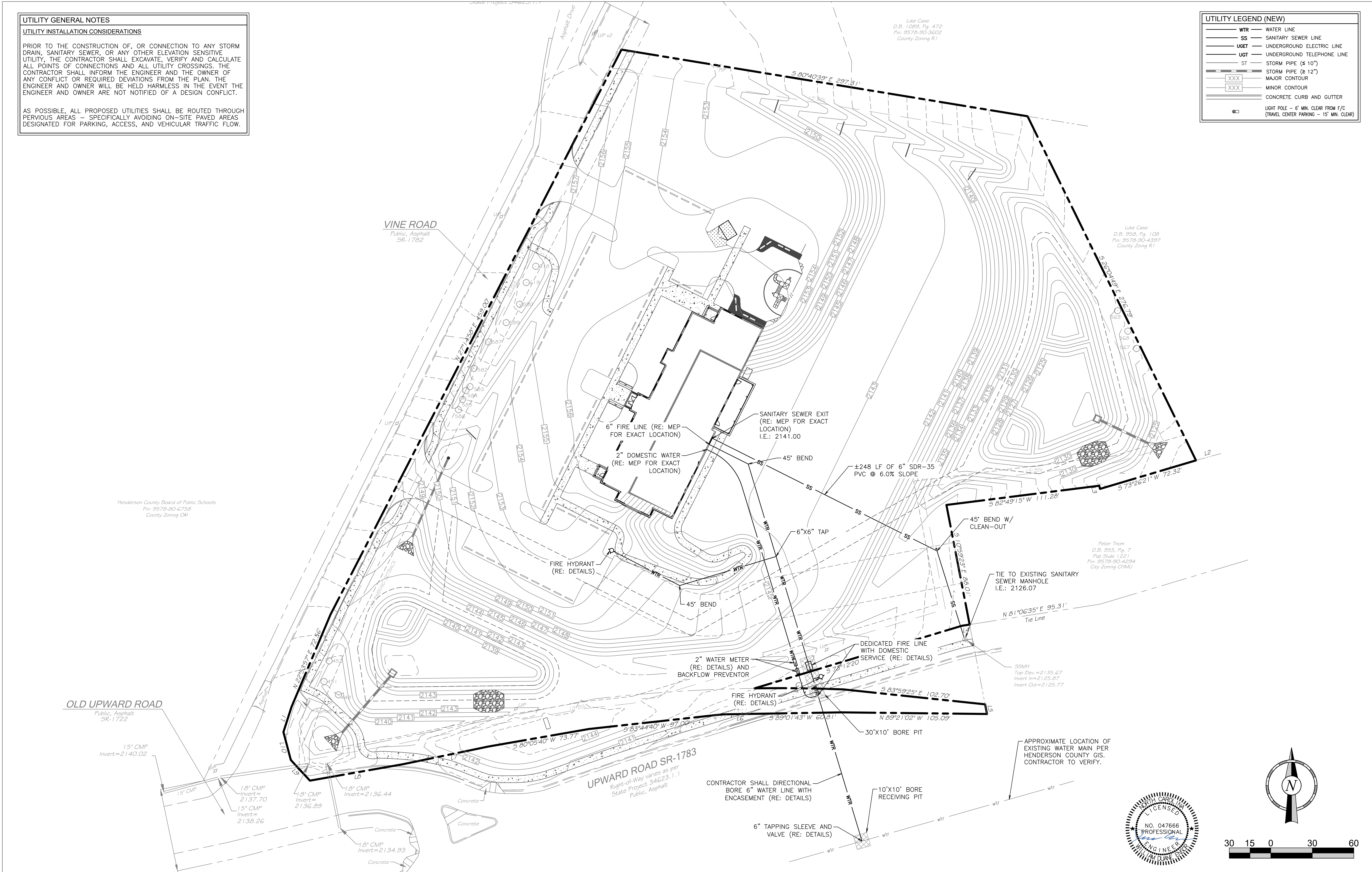
UTILITY INSTALLATION CONSIDERATIONS

PRIOR TO THE CONSTRUCTION OF, OR CONNECTION TO ANY STORM DRAIN, SANITARY SEWER, OR ANY OTHER ELEVATION SENSITIVE UTILITY, THE CONTRACTOR SHALL EXCAVATE, VERIFY AND CALCULATE ALL POINTS OF CONNECTIONS AND ALL UTILITY CROSSINGS. THE CONTRACTOR SHALL INFORM THE ENGINEER AND THE OWNER OF ANY CONFLICT OR REQUIRED DEVIATIONS FROM THE PLAN. THE ENGINEER AND OWNER WILL BE HELD HARMLESS IN THE EVENT THE ENGINEER AND OWNER ARE NOT NOTIFIED OF A DESIGN CONFLICT.

AS POSSIBLE, ALL PROPOSED UTILITIES SHALL BE ROUTED THROUGH PERVIOUS AREAS — SPECIFICALLY AVOIDING ON-SITE PAVED AREAS DESIGNATED FOR PARKING, ACCESS, AND VEHICULAR TRAFFIC FLOW.

UTILITY LEGEND (NEW)

- WTR — WATER LINE
- SS — SANITARY SEWER LINE
- UGET — UNDERGROUND ELECTRIC LINE
- UGT — UNDERGROUND TELEPHONE LINE
- ST — STORM PIPE (≤ 10")
- ST — STORM PIPE (≥ 12")
- XXX — MAJOR CONTOUR
- XXX — MINOR CONTOUR
- — CONCRETE CURB AND GUTTER
- — LIGHT POLE — 6' MIN. CLEAR FROM F/C (TRAVEL CENTER PARKING — 15' MIN. CLEAR)



PREPARED FOR:
ADEPTUS ARCHITECTURE

121 MANLY STREET
GREENVILLE, SC 29601

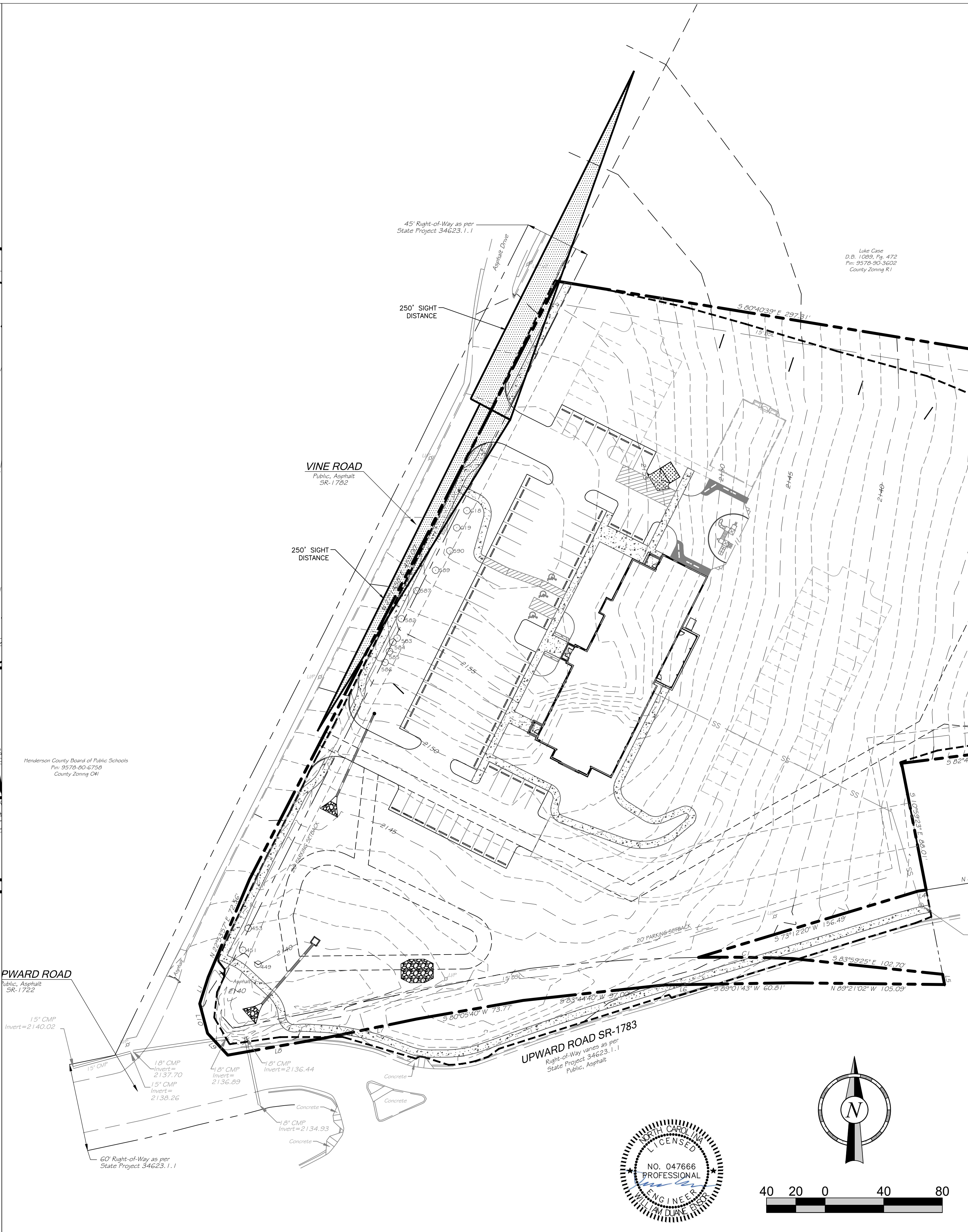
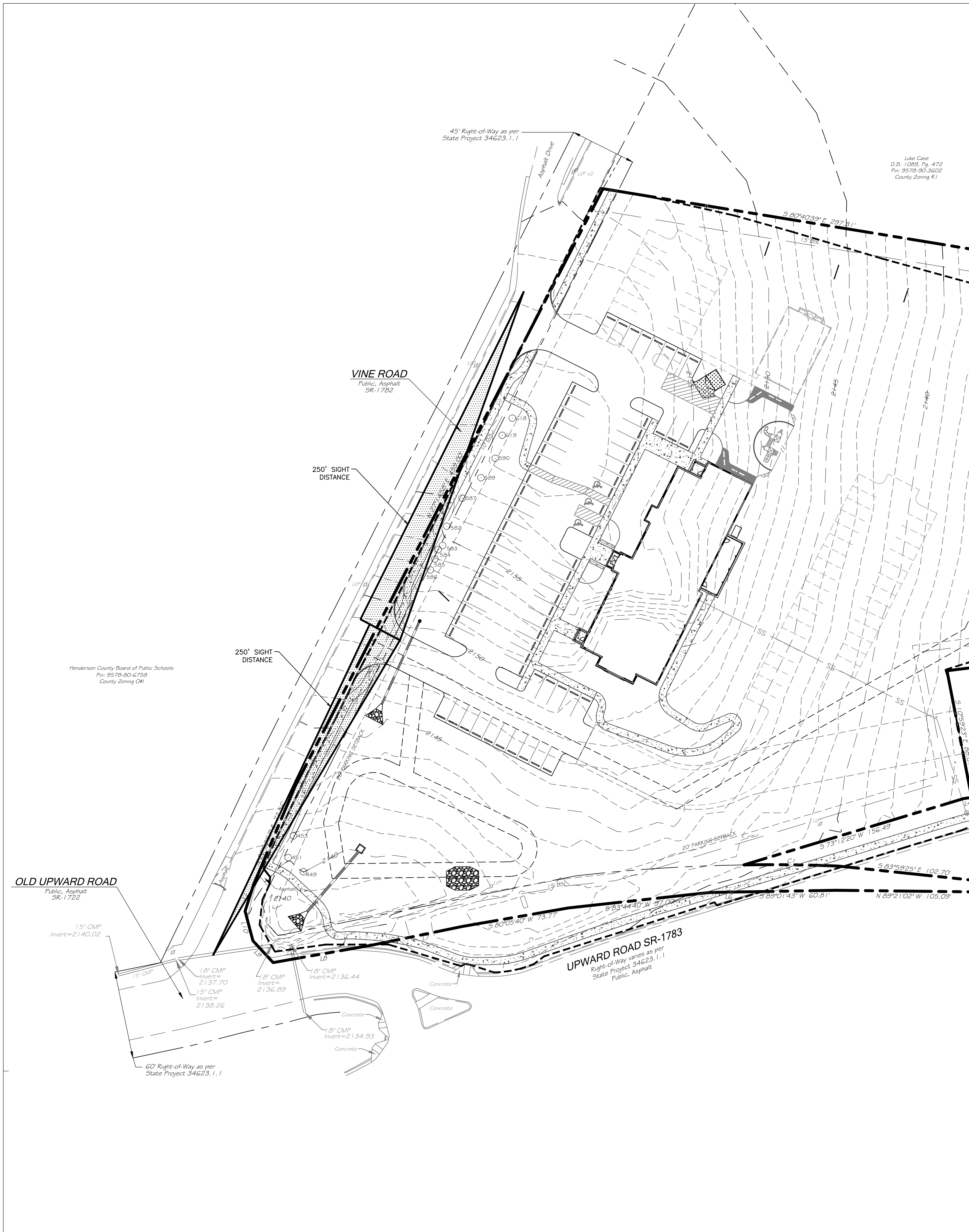
PREPARED BY:
PHAROS LAND DESIGN, LLC
Civil Site Engineering
PO Box 31182, Greenville, SC 29608
c: 843-693-2335

REVISIONS				REVISIONS			
NO.	DATE	DESCRIPTION		NO.	DATE	DESCRIPTION	

LIVING SAVIOR CHURCH
UTILITY PLAN

FILE NAME: LIVING SAVIOR CHURCH CIVIL.SGN	BY: DRN	NO: PMW-001	FLD. BK:	SHEET NO.
NC COA: P-2566	WDE	SCALE: AS SHOWN	DATE: 03.04.2024	15 OF 18

FILE LOCATION: C:\Users\duane\Dropbox\Living Savior Church\Living Savior Church Civil.dwg USER: duane SAVED: 3/4/2024 7:47 PM PLOTTED: 3/4/2024 7:51 PM



PREPARED FOR:		PREPARED BY:		REVISIONS						LIVING SAVIOR CHURCH SIGHT DISTANCE							
ADEPTUS ARCHITECTURE		PHAROS LAND DESIGN, LLC		NO.	DATE	DESCRIPTION		NO.	DATE							DESCRIPTION	
121 MANLY STREET		Civil Site Engineering										FILE NAME: LIVING SAVIOR CHURCH CIVIL.DWG DESIGN BY: PMW-001 JOB NO: PMW-001 FLD. BK: SHEET NO. 17 OF 18					
GREENVILLE, SC 29601		PO Box 31182, Greenville, SC 29608 c: 843-693-2335															
												NC COA: P-2566 DRN BY: WDE SCALE: AS SHOWN DATE: 03.04.2024					

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LANDSCAPE REQUIREMENTS:

VEHICLE USE AREA= 23,240 SF 1 TREE AND 2 SHRUBS PER 4,000 SF

REQUIRED: 6 TREES AND 12 SHRUBS PER 4,000 SF
PROVIDED: 7 TREE AND 26 SHRUBS PER 4,000 SF

"When a development contains 20 or more parking spaces, 50 percent of the trees and shrubs required by paragraph a), above, must be planted in islands or medians located within the parking lot. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot. At a minimum, such tree islands shall consist of an area at least equal in size to two parking places side-by-side (360 square feet). Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Planting trees in groups is encouraged to increase the total amount of planting area for roots to grow."

REQUIRED IN AN ISLAND OR MEDIAN: 3 TREES AND 6 SHRUBS PER 4,000 SF
PROVIDED: 3 TREE AND 14 SHRUBS PER 4,000 SF

STREET BUFFER= 252 LF 1 EVERGREEN OR SHRUB PER 5 LF

REQUIRED: 50 EVERGREENS OR SHRUBS
PROVIDED: 52 EVERGREENS OR SHRUBS

BUFFER AT PROPERTY LINE= TYPE B BUFFER 1, 286'

REQUIRED: PER 100 LF, 4 CANOPY TREES, 25 EVERGREEN SHRUBS, 33 FLOWERING SHRUBS
11 CANOPY TREES, 11 EVERGREEN SHRUBS, 94 FLOWERING SHRUBS
PROVIDED: 11 CANOPY TREES, 11 EVERGREEN SHRUBS, 94 FLOWERING SHRUBS

BUFFER AT PROPERTY LINE= TYPE B BUFFER 2, 211'

REQUIRED: PER 100 LF, 4 CANOPY TREES, 25 EVERGREEN SHRUBS, 33 FLOWERING SHRUBS
11 CANOPY TREES, 69 EVERGREEN SHRUBS, 91 FLOWERING SHRUBS
PROVIDED: 11 CANOPY TREES, 69 EVERGREEN SHRUBS, 91 FLOWERING SHRUBS

COMMON SPACE TREES

Common Space trees are required for CHMU based on

"Trees. One tree shall be planted for each 1,000 square feet of common space. Trees shall have a minimum caliper of three to three and one-half inches measured six inches above ground at the time of planting"

AREA OF SITE: 4.72 ACRES
COMMON SPACE REQUIRED: 4.72 ACRES/10=0.472 ACRES
9,104 SF

COMMON SPACE TREES REQUIRED: 10 TREES
COMMON SPACE TREES PROVIDED: 10 TREES
COMMON SPACE TREE=CST

OPEN SPACE TREES

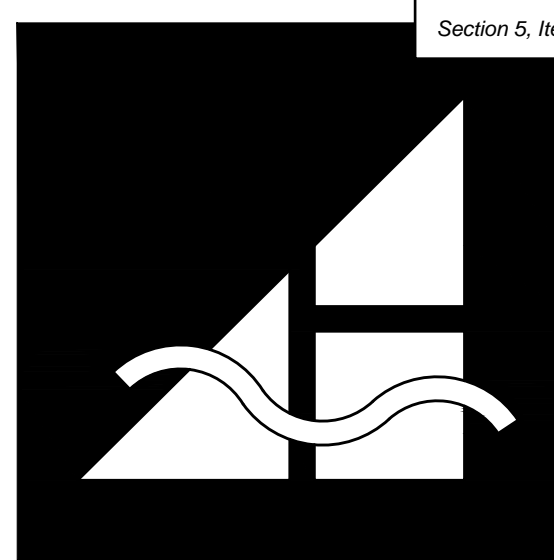
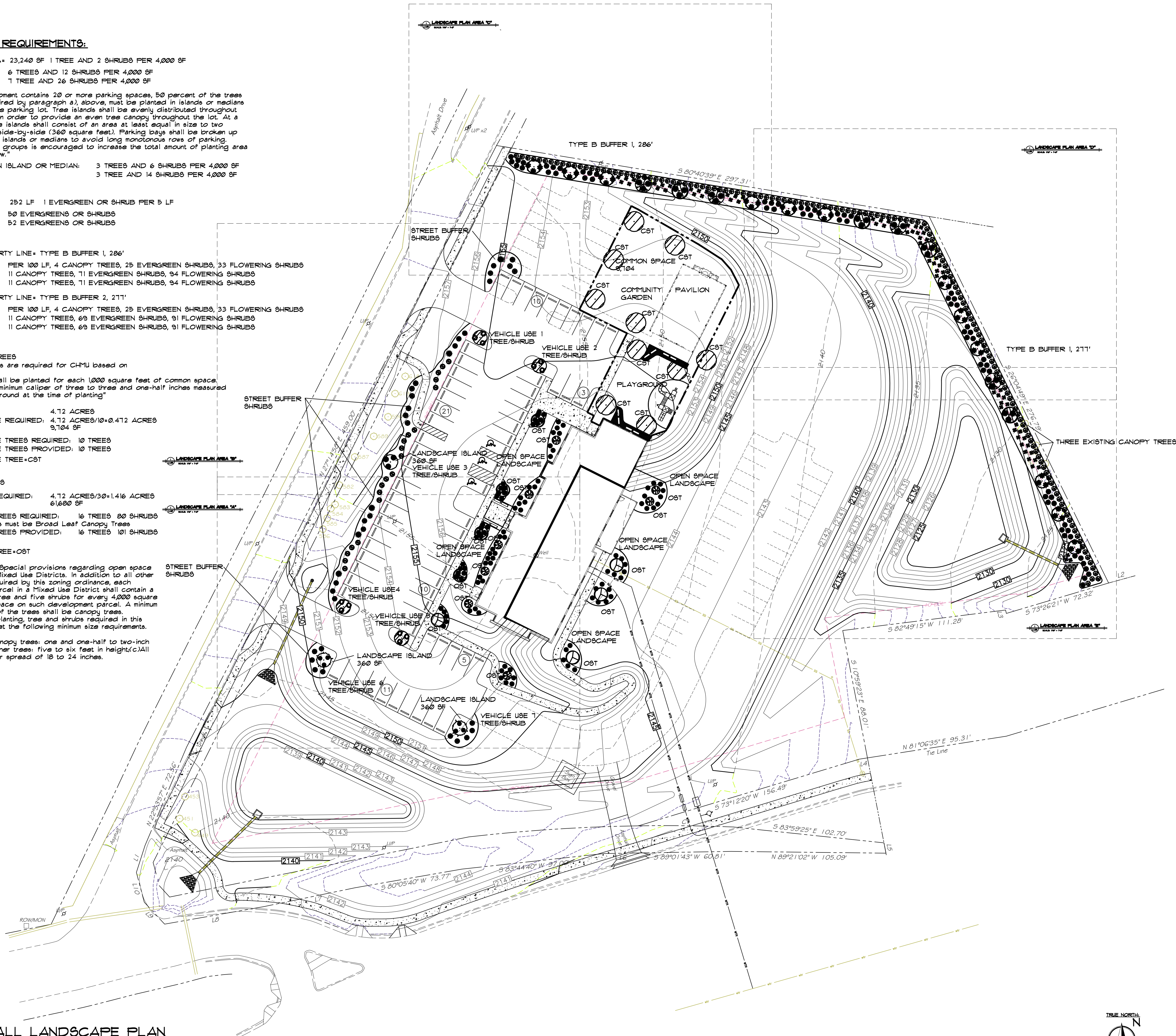
OPEN SPACE REQUIRED: 4.72 ACRES/30=1.416 ACRES
61,680 SF

OPEN SPACE TREES REQUIRED: 16 TREES 80 SHRUBS
8 of these trees must be Broad Leaf Canopy Trees
OPEN SPACE TREES PROVIDED: 16 TREES 101 SHRUBS

OPEN SPACE TREE=OST

Section 15-13 - Special provisions regarding open space landscaping in Mixed Use Districts. In addition to all other landscaping required by this zoning ordinance, each development parcel in a Mixed Use District shall contain a minimum of one tree and five shrubs for every 4,000 square feet of open space on such development parcel. A minimum of 50 percent of the trees shall be canopy trees. At the time of planting, tree and shrubs required in this section shall meet the following minimum size requirements.

(a) Broadleaf canopy trees: one and one-half to two-inch caliper.(b) All other trees: five to six feet in height.(c) All shrubs: height or spread of 18 to 24 inches.



ADEPTUS ARCHITECTURE, INC. 121 MAINLY STREET GREENVILLE, SC 29601 864-242-2514

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH

UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

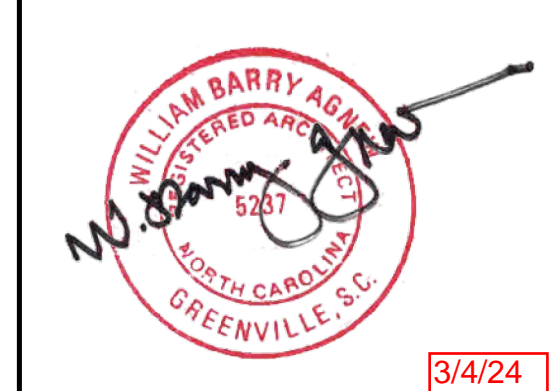
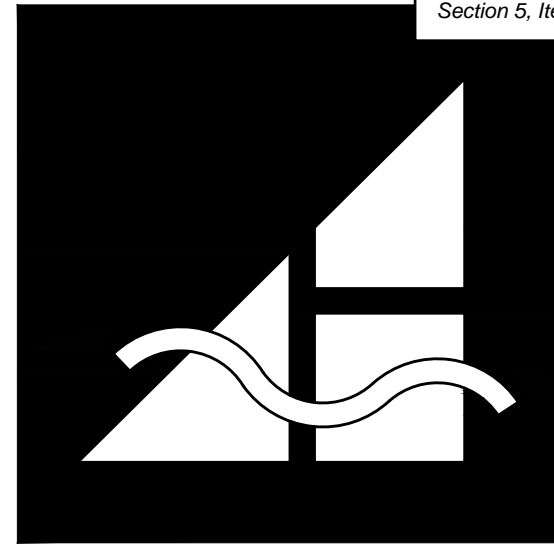
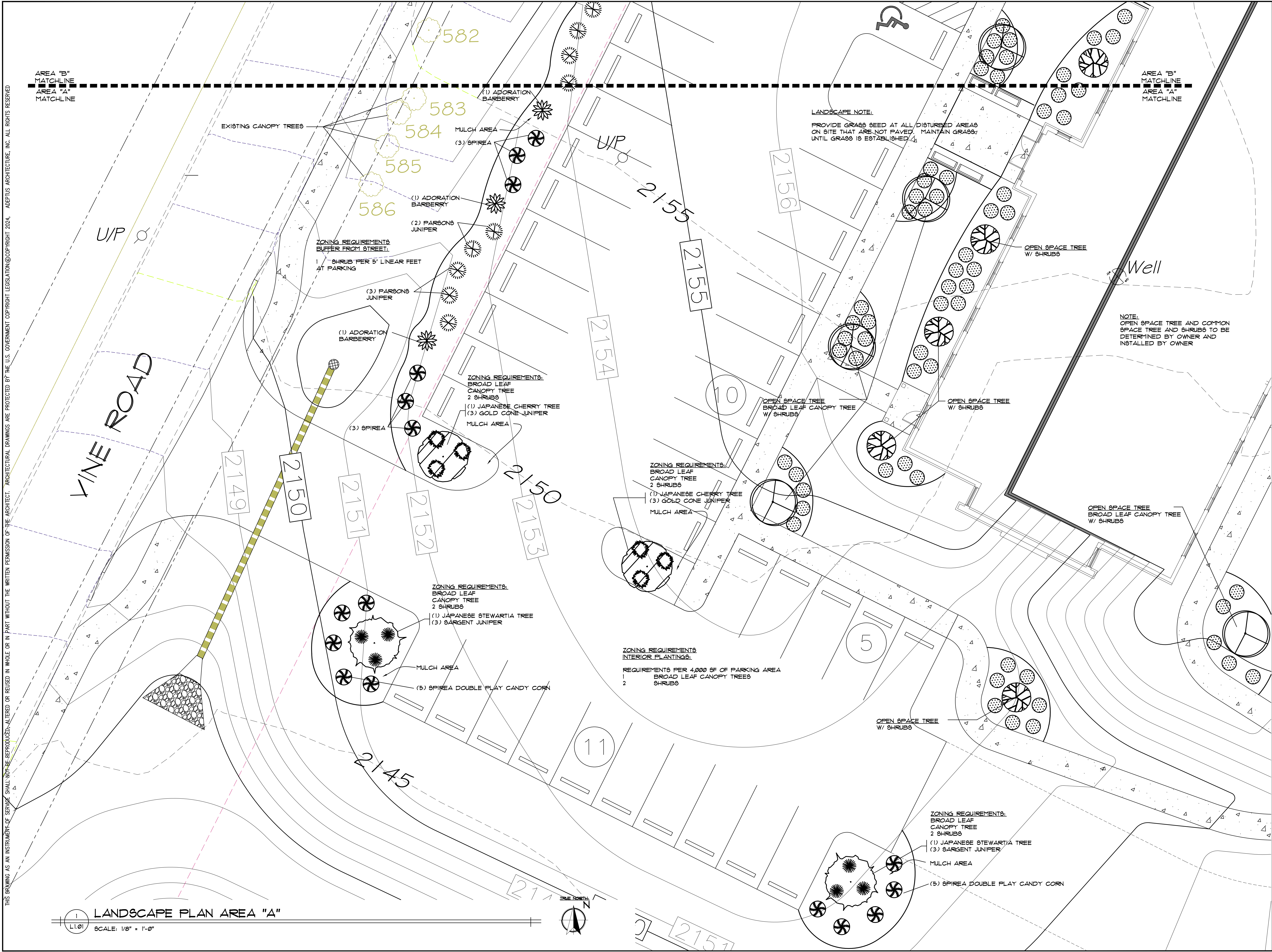
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CHECKED: WBA
DATE: 3/4/24
SCALE: AS NOTED
JOB NUMBER: 2117
REVISIONS:

DESCRIPTION
OVERALL LANDSCAPE
PLAN

SHEET

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NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH
UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

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DATE:	3/4/24
SCALE:	AS NOTED
JOB NUMBER:	2117
REVISIONS:	

DESCRIPTION
LANDSCAPE PLAN
AREA "A"

SHEET
L1.01

ADEPTUS ARCHITECTURE, INC. 121 MAINLY STREET GREENVILLE, SC 29601 864-242-2514

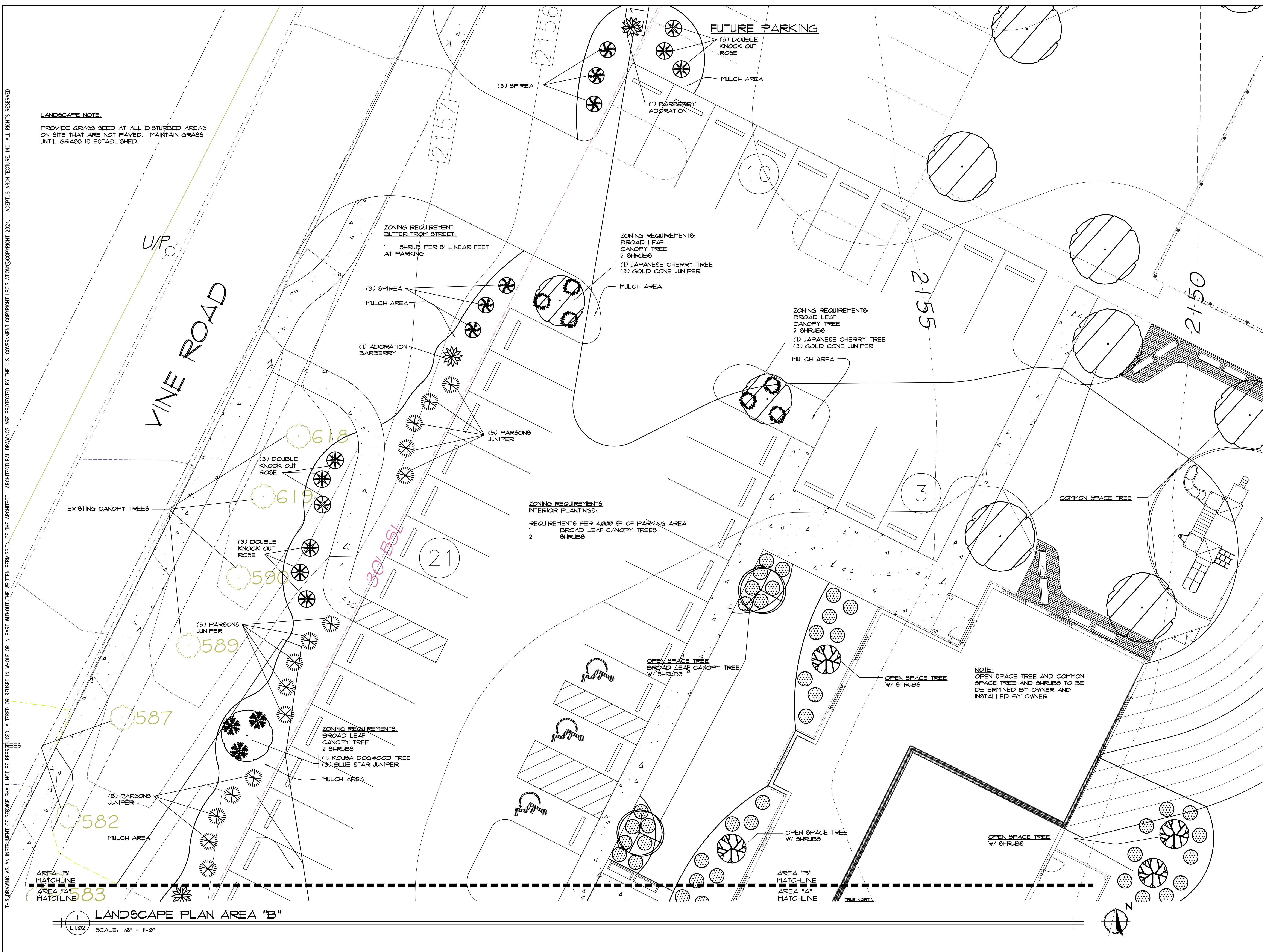
UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

SHEET

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PROVIDE GRASS SEED AT ALL DISTURBED AREAS
ON SITE THAT ARE NOT PAVED. MAINTAIN GRASS
UNTIL GRASS IS ESTABLISHED.

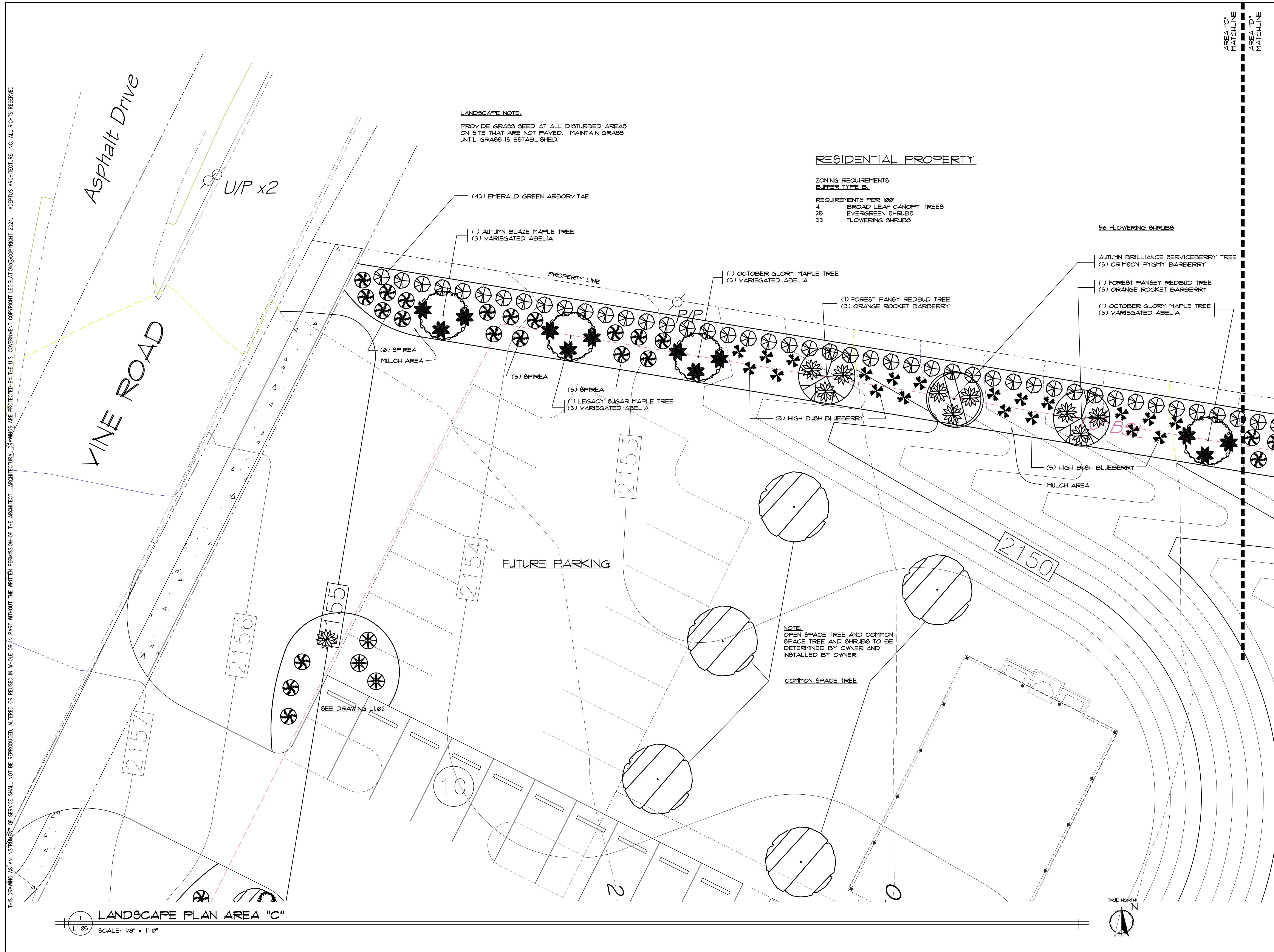


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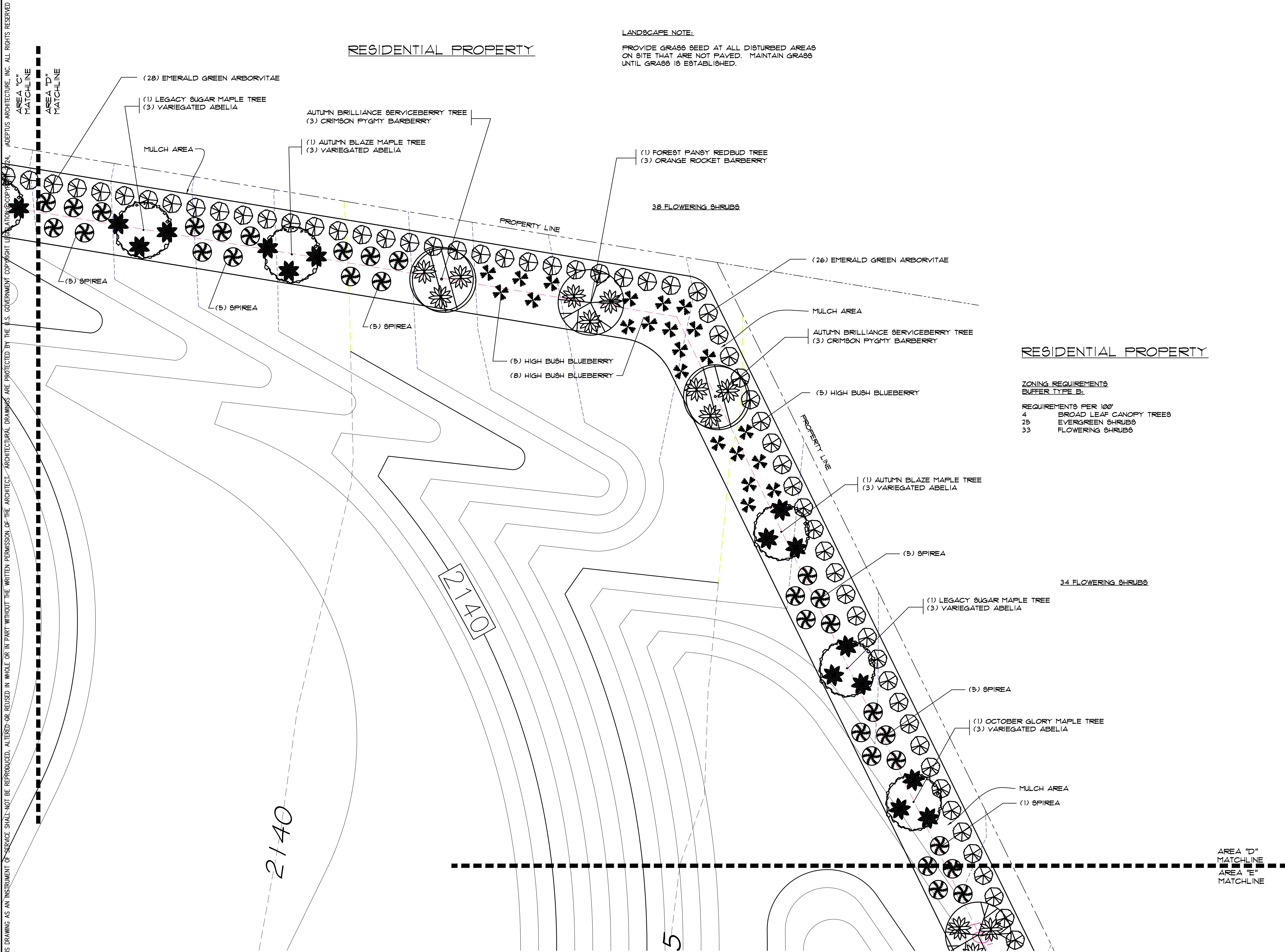
UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

DESCRIPTION
LANDSCAPE PLAN AREA "C"

1.03



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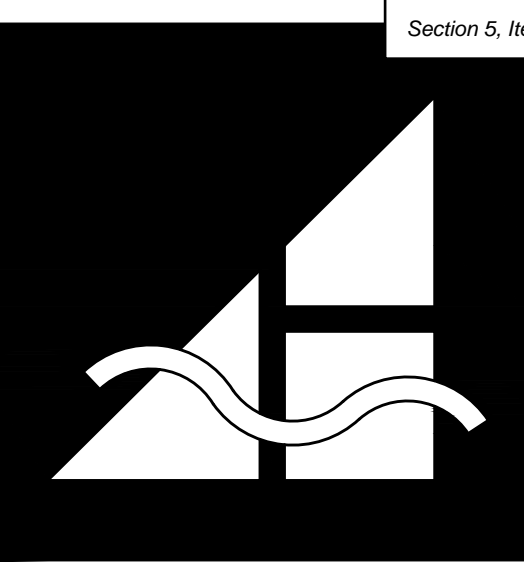


LANDSCAPE NOTE:

PROVIDE GRASS SEED AT ALL DISTURBED AREAS ON SITE THAT ARE NOT PAVED. MAINTAIN GRASS UNTIL GRASS IS ESTABLISHED.

ZONING REQUIREMENTS
BUFFER TYPE B:

REQUIREMENTS PER 100'
4 BROAD LEAF CANOPY TREES
25 EVERGREEN SHRUBS
33 FLOWERING SHRUBS



ADEPTUS ARCHITECTURE, INC. 121 MANLY STREET GREENVILLE, SC 29601 864-242-2514

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH
UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

DRAWN BY:	MJD
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JOB NUMBER:	2117
REVISIONS:	

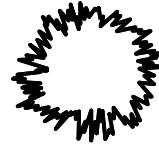
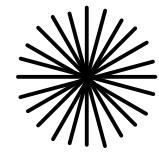

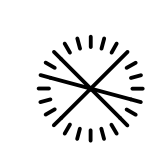
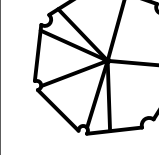
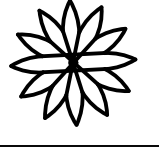
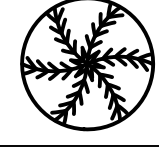
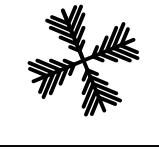
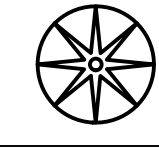

DESCRIPTION
LANDSCAPE PLAN AREA "D"

SHEET
L1.04

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NEW LANDSCAPE PLANTS

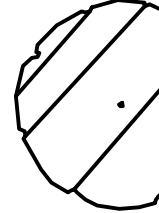
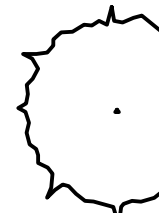
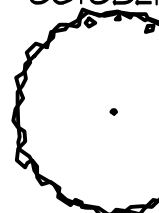
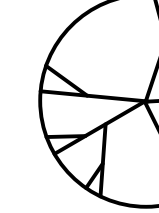
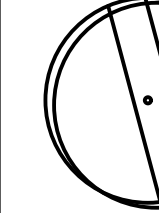
All landscaping species are required to come from the City's approved landscaping list.
https://www.hendersonvillemc.gov/sites/default/files/uploads/recommended_landscape_species_list_revised.pdf
PLANT SIZE: THE MINIMUM PLANT SIZE FOR ALL NEW PLANTS SHALL BE FROM 18" TO 24" IN HEIGHT

GOLD CONE JUNIPER	SARGENT JUNIPER	BLUE STAR JUNIPER	PARSONS JUNIPER	EMERALD GREEN ARBORVITAE THUJA OCCIDENTALIS EMERALD GREEN
				
ADORATION BARBERRY CRIMSON PYGMY BARBERRY ORANGE ROCKET BARBERRY	SPIREA	HIGH BUSH BLUEBERRY	DOUBLE KNOCK OUT ROSE	VARIEGATED ABELIA
				

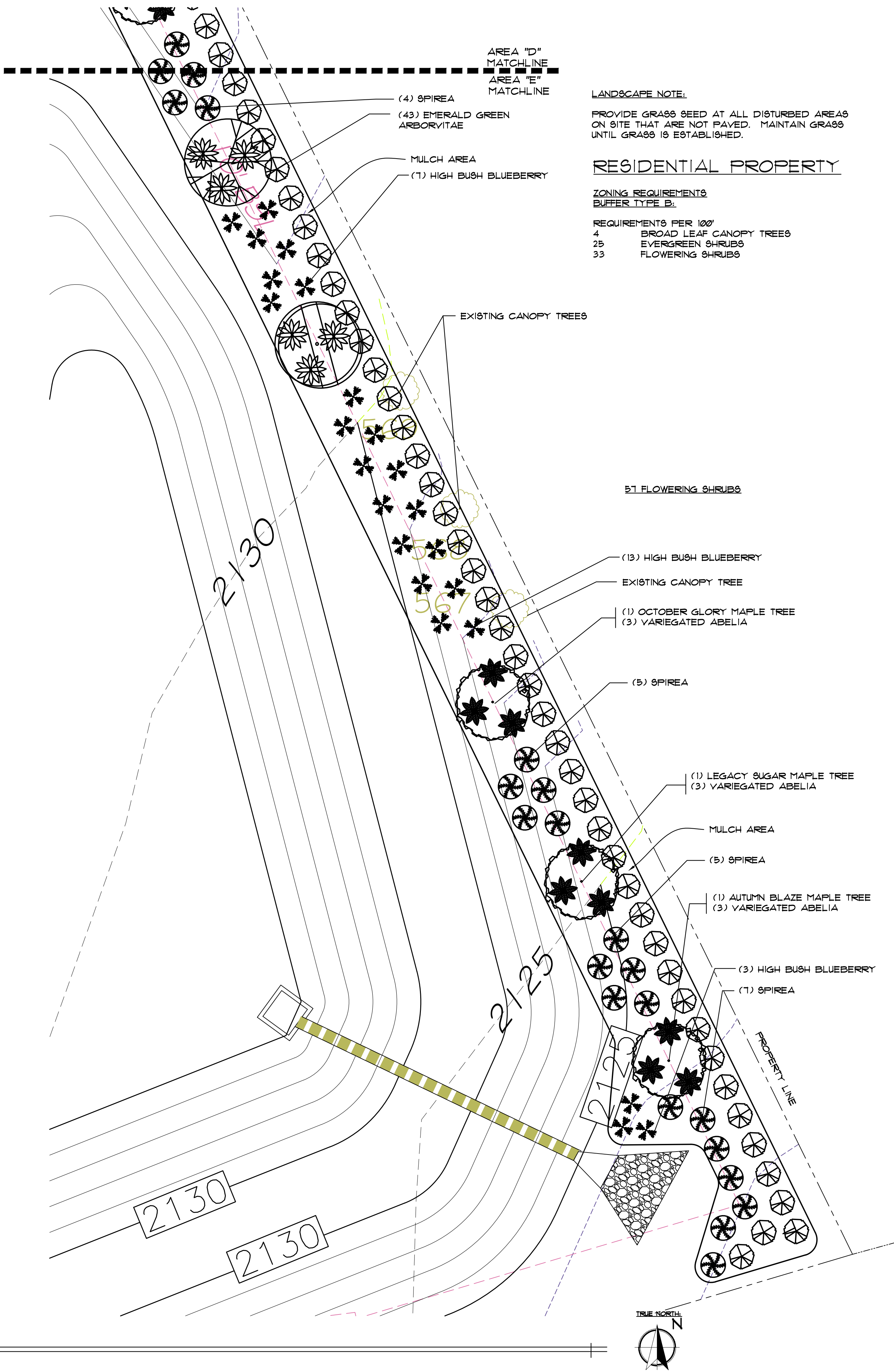
NOTE:
OPEN SPACE TREE AND COMMON SPACE TREE AND SHRUBS TO BE DETERMINED BY OWNER AND INSTALLED BY OWNER

NEW LANDSCAPE TREES

TREE SIZE: THE MINIMUM TREE SIZE FOR ALL NEW TREES SHALL BE FROM 1 3/8" TO 1 1/2" CALIFER

JAPANESE CHERRY	JAPANESE STEWARTIA	AUTUMN BLAZE MAPLE LEGACY SUGAR MAPLE OCTOBER GLORY MAPLE	FOREST PANSY REDBUD	AUTUMN BRILLIANCE SERVICEBERRY
				

NOTE:
OPEN SPACE TREE AND COMMON SPACE TREE AND SHRUBS TO BE DETERMINED BY OWNER AND INSTALLED BY OWNER

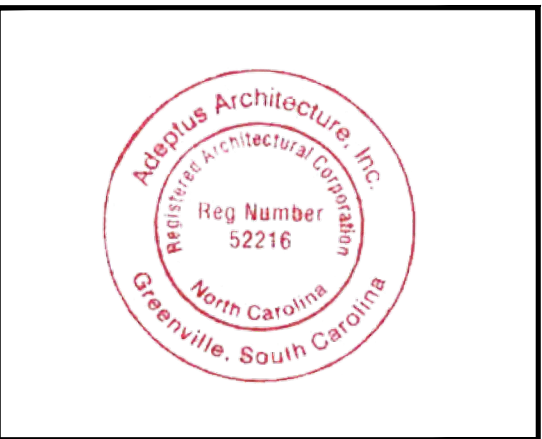
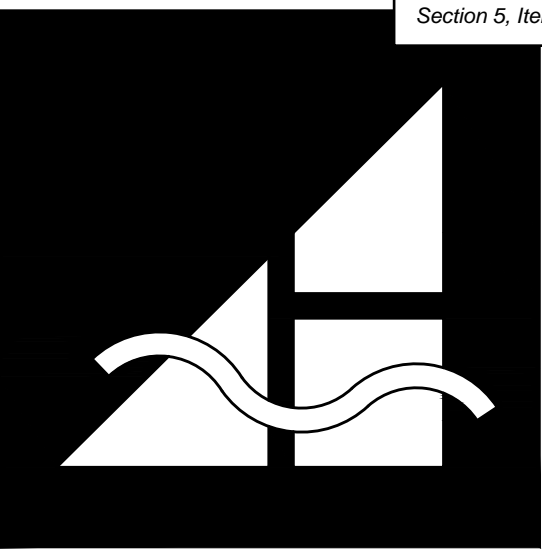


LANDSCAPE NOTE:
PROVIDE GRASS SEED AT ALL DISTURBED AREAS ON SITE THAT ARE NOT PAVED. MAINTAIN GRASS UNTIL GRASS IS ESTABLISHED.

RESIDENTIAL PROPERTY

ZONING REQUIREMENTS
BUFFER TYPE B:

REQUIREMENTS PER 100'
4 BROAD LEAF CANOPY TREES
25 EVERGREEN SHRUBS
33 FLOWERING SHRUBS



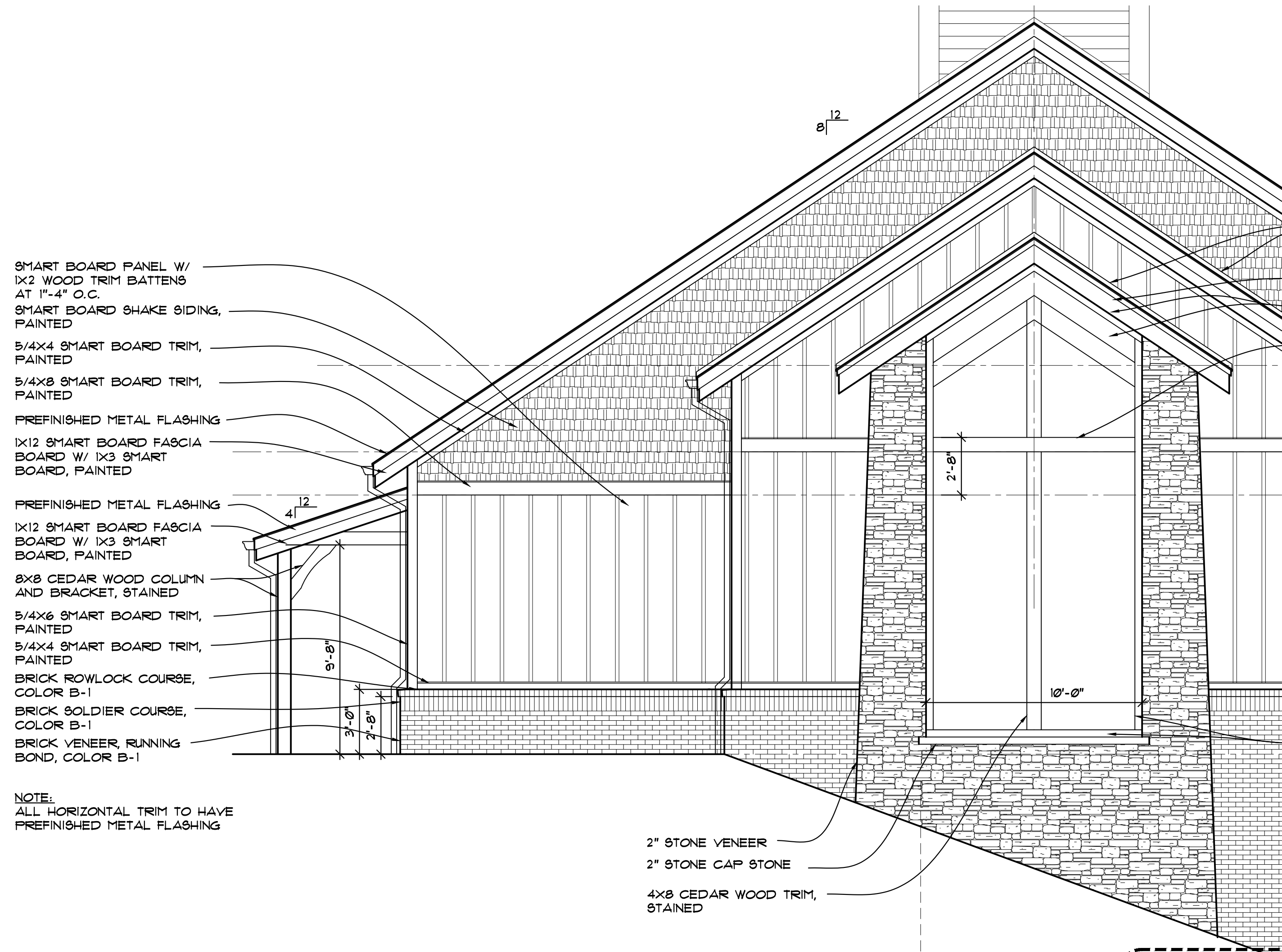
121 MANLY STREET GREENVILLE, SC 29601 864-242-2514
**NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH**
UPWARD ROAD AND VINE ROAD HENDERSONVILLE, NORTH CAROLINA

DRAWN BY:	MJD
CHECKED:	WBA
DATE:	3/4/24
SCALE:	AS NOTED
JOB NUMBER:	2117
REVISIONS:	

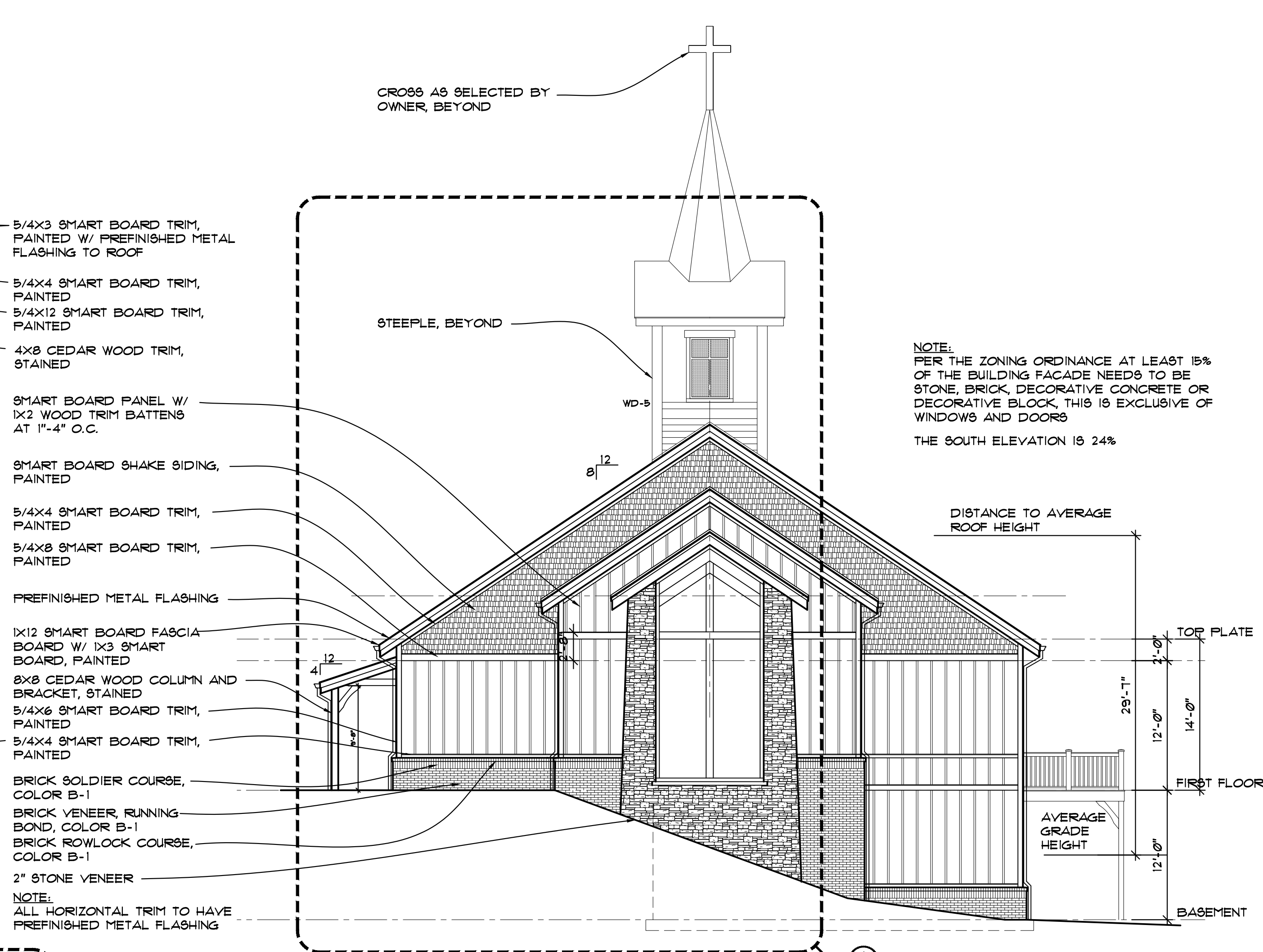
DESCRIPTION
LANDSCAPE PLAN AREA "E"

SHEET
L1.05

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1 SOUTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

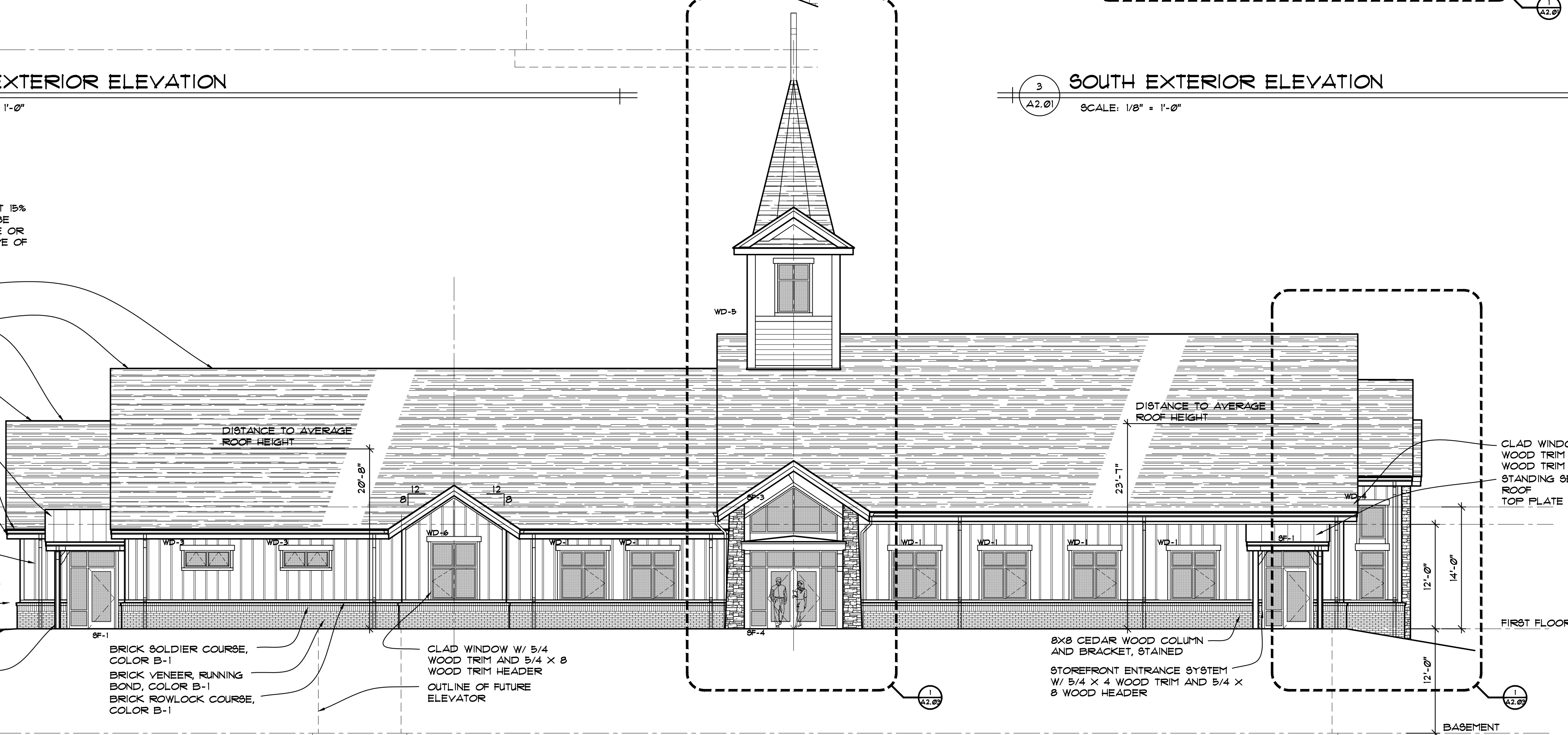


3 SOUTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

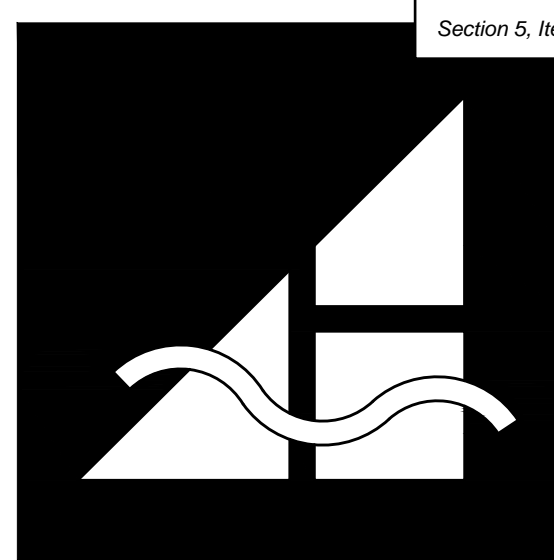
NOTE:
PER THE ZONING ORDINANCE AT LEAST 15%
OF THE BUILDING FACADE NEEDS TO BE
STONE, BRICK, DECORATIVE CONCRETE OR
DECORATIVE BLOCK, THIS IS EXCLUSIVE OF
WINDOWS AND DOORS
THE WEST ELEVATION IS 39%

RIDGE VENT
30 YEAR ARCHITECTURAL
SHINGLES AS SELECTED
BY OWNER
RIDGE VENT
STANDING BEAM METAL
ROOF
PREFINISHED METAL FLASHING
1X12 SMART BOARD FASCIA
BOARD W/ 1X3 SMART
BOARD, PAINTED
8X8 CEDAR WOOD COLUMN
AND BRACKET, STAINED
5/4X6 SMART BOARD TRIM,
PAINTED
5/4X4 SMART BOARD TRIM,
PAINTED
5/4X6 SMART BOARD TRIM,
PAINTED
STOREFRONT ENTRANCE SYSTEM
W/ 5/4 X 4 WOOD TRIM AND 5/4 X
8 WOOD HEADER
NOTE:
ALL HORIZONTAL TRIM TO HAVE
PREFINISHED METAL FLASHING

2 WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



CLAD WINDOW W/ 5/4
WOOD TRIM AND 5/4 X 8
WOOD TRIM HEADER
STANDING BEAM METAL
ROOF
TOP PLATE
FIRST FLOOR
BASEMENT



3/4/24

ADEPTUS ARCHITECTURE, INC. 121 MAINLY STREET GREENVILLE, SC 29601 864-242-2514

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH

HENDERSONVILLE, NORTH CAROLINA
UPWARD ROAD AND VINE ROAD

DRAWN BY: MJD
CHECKED: WBA
DATE: 3/1/24
SCALE: AS NOTED
JOB NUMBER: 2117
REVISIONS:

DESCRIPTION
EXTERIOR ELEVATIONS

SHEET

A2.01

NOTE:
PER THE ZONING ORDINANCE AT LEAST 15%
OF THE BUILDING FACADE NEEDS TO BE
STONE, BRICK, DECORATIVE CONCRETE OR
DECORATIVE BLOCK, THIS IS EXCLUSIVE OF
WINDOWS AND DOORS

THE EAST ELEVATION IS 22%

2 EAST EXTERIOR ELEVATION
A2.02 SCALE: 1/8" = 1'-0"

NOTE:
PER THE ZONING ORDINANCE AT LEAST 15%
OF THE BUILDING FACADE NEEDS TO BE
STONE, BRICK, DECORATIVE CONCRETE OR
DECORATIVE BLOCK, THIS IS EXCLUSIVE OF
WINDOWS AND DOORS
THE NORTH ELEVATION IS 20%

3 NORTH EXTERIOR ELEVATION
A2.02 SCALE: 1/8" = 1'-0"

NOTE:
ALL HORIZONTAL TRIM TO HAVE
PREFINISHED METAL FLASHING

- 30 YEAR ARCHITECTURAL
SHINGLES AS SELECTED
BY OWNER
- RIDGE VENT

- PREFINISHED METAL FLASHING
- 1X12 SMART BOARD FASCIA BOARD W/ 1X3 SMART BOARD, PAINTED

- CLAD WINDOW W/ 5/4 WOOD TRIM AND 5/4 X 8 WOOD TRIM HEADER
- 5/4X4 SMART BOARD TRIM, PAINTED
- 5/4X6 SMART BOARD TRIM, PAINTED

- DECORATIVE CONCRETE BLOCK SUCH AS ROCK FACE BLOCK
- STEP FOOTINGS TO BASEMENT LEVEL



3/4/24

ADEPTUS ARCHITECTURE, INC. 121 MAINLY STREET GREENVILLE, SC 29601 864-242-2514

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH

HENDERSONVILLE, NORTH CAROLINA

UPWARD ROAD AND VINE ROAD

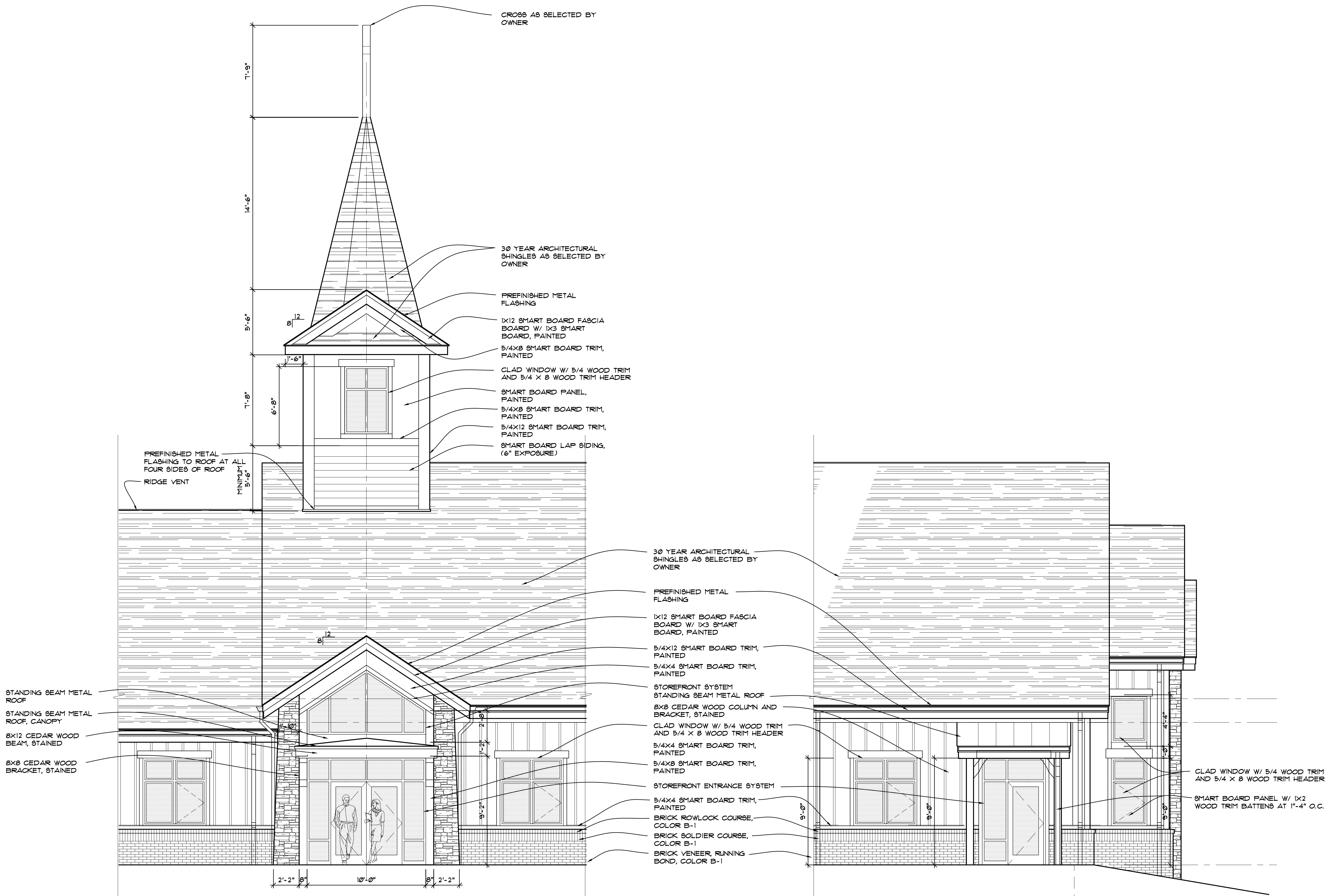
DRAWN BY:	MJD
CHECKED:	WBA
DATE:	3/1/24
SCALE:	AS NOTED
JOB NUMBER:	211T
REVISIONS:	

DESCRIPTION
EXTERIOR ELEVATIONS

SHEET

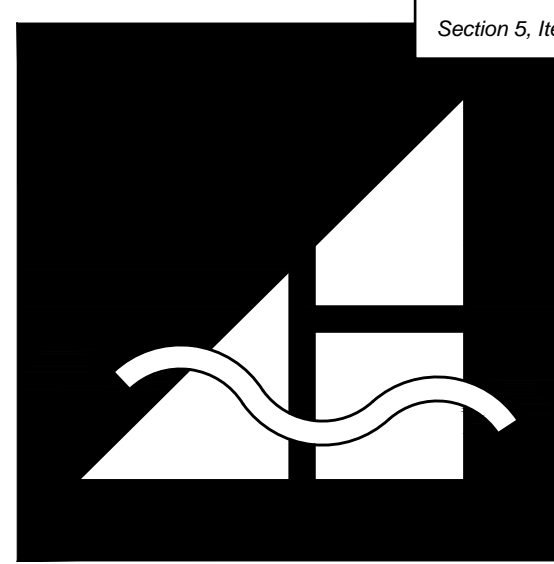
A 2. ~~O~~ 2

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EAST EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



3/4/24

ADEPTUS ARCHITECTURE, INC. 121 MAINLY STREET GREENVILLE, SC 29601 864-242-2514

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH

UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

DRAWN BY: MJD
CHECKED: WBA
DATE: 3/1/24
SCALE: AS NOTED
JOB NUMBER: 2117
REVISIONS:

DESCRIPTION
EXTERIOR ELEVATIONS

SHEET

A2.03

NEW CHURCH FOR
LIVING SAVIOR LUTHERAN CHURCH
UPWARD ROAD AND VINE ROAD
HENDERSONVILLE, NORTH CAROLINA

[illegible]

THIS FACADE IS VISIBLE FROM A
COMMON SPACE



THIS FACADE IS VISIBLE FROM A
COMMON SPACE

THE BUILDING HEIGHT IS 26'-8"
THE MAXIMUM PANEL WIDTH IS 53'-4"

THIS FACADE IS VISIBLE FROM
UPWARD ROAD

THE BUILDING HEIGHT IS 29'-7"
THE MAXIMUM PANEL WIDTH IS 59'-2"

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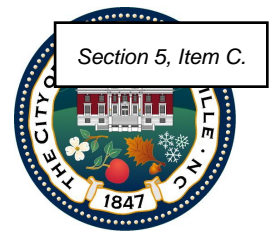
1
A2.04

SCALE: 1/8" = 1'-0"



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

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



APPLICATION FOR SITE PLAN REVIEW

Section 7-3 City Zoning Ordinance

The following are required to constitute a complete application for preliminary site plan review:

- ~ This form including the property owner(s) signature(s).
 - ~ Appropriate fee.
 - ~ 2 copies and a digital file of the site plan containing items in Section 7.3-3.2 of the City Zoning Ordinance.
- Projects proposing any of the following must submit a complete application at least 32 days prior to any Planning Board meeting.
- Any commercial, industrial or institutional development consisting of 20,000 or more square feet of floor area.
 - Addition of more than 30 parking spaces.
 - Any minor planned residential development consisting of nine or more dwelling units.

The following are required for final site plan review:

- ~ This form including the property owner(s) signature(s)
- ~ 2 copies of the site plan containing items in Section 7-3-4.3 of the City Zoning Ordinance

Date 2023-12-11

Type of Plan Review



Preliminary



Final

Name of Project Living Savior Evangelical Lutheran Church

Location/Address of Property 200 Upward Road, Hendersonville, NC 28726

List 10 digit PIN or 7 digit PID number for each property 9578901278

Contact Information William Duane Ensor

Address PO Box 31182, Greenville, SC 29608

Phone 843-693-2335

Fax

Email duaneensor@gmail.com

CHECK TYPE OF DEVELOPMENT



Residential



Commercial



Other

Current Zoning CHMU

Total Acreage 4.38

Proposed Building Sq.ft. 12,125

of Dwelling Units 0

Official Use:

DATE RECEIVED: _____ BY _____ FEE RECEIVED \$ _____

Applicant(s): (Developer)

Printed Name Living Savior Evangelical Lutheran Church

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

Signature Daniel E. Meyer

Title President Email danmeyer@charter.net

Address of Applicant 301 Overlook Road, Asheville, NC 28803

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Property Owners(s):* ^ Printed Name Living Savior Evangelical Lutheran Church☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____Signature *Daniel E Meyer*Title President Email danmeyer@charter.netAddress of Property Owner 301 Overlook Road, Asheville, NC 28803

* ^ 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 _____

* ^ 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.

^ 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: Matthew Manley **MEETING DATE:** March 14, 2024

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

TITLE OF ITEM: Zoning Text Amendment: Updates to Childcare Home and Child Care Center (P23-99-ZTA) – Matthew Manley, Strategic Projects Manager

SUGGESTED MOTION(S):

<u>For Approval:</u>	<u>For Denial:</u>
<p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2, Child care home and Section 12-2-2 Child care center, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s Strategy LU-3.5. minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more childcare services within the City.</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The proposed text amendment aligns with the state licensing requirements for child home care and childcare centers. 2. The proposed text amendment allows existing and future childcare facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City. <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2, Child care home and Section 12-2-2 Child care center, based on the following:</p> <p>1. The petition is found to be <u>inconsistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition does not aligns with the Comprehensive Plan’s Strategy LU-3.5. minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more childcare services within the City.</p> <p>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none"> 1. The proposed text amendment increases the impact of child home care in residential zoning districts. <p style="text-align: center;">[DISCUSS & VOTE]</p>

SUMMARY: As part of the budget bill, NC General Statute 110-8 and NC General Statute 110-91 revised the definition and capacity for “family child care homes”. This revision increased the maximum capacity of children a family child care home operator is permitted to serve. The new standards exceed what is currently permitted under the City’s Zoning Ordinance.

Both family child care homes and child care centers are required to be licensed by the Division of Child Development and Early Education within the NC Department of Health and Human Services. Part of the process to obtain a license requires that the child care facility (home or center) comply with all local ordinances. This proposed zoning text amendment would align with these licensing requirements and allow child care home operators the ability to increase the maximum capacity of children thereby increasing child care options within the city.

Staff is also proposing to amend the definition for ‘Child Care Center’ to align with the state statute definition and capacity requirements. After reviewing the revisions made to family child care homes, staff also reviewed the existing state statutes for child care centers and determined that the current zoning ordinance definition should also be updated to reflect the state definition and capacity requirements for child care centers.

For these reasons, staff is proposing to amend the current definition for “child care homes” to meet the revised standards of NCGS 110-86(3)b. and NCGS 110-91(7); and to amend the current definition for “child care center” to align with the state statute definition and state capacity requirements for child care facilities.

PROJECT/PETITIONER NUMBER:	P23-99-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Draft Ordinance 3. Revised G.S. 110-86(3) and G.S. 110-91(7)b

ZONING TEXT AMENDMENT: UPDATES TO CHILD CARE HOMES AND CHILD CARE CENTERS
(P23-99-ZTA) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW..... 3

PROPOSED STANDARDS..... 4

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 5

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT 6



PROJECT SUMMARY

- Project Name & Case #:
 - Updates to Child Care Homes & Child Care Centers
 - P23-99-ZTA
- Applicant:
 - City of Hendersonville
- Zoning Ordinance Articles Amended:
 - 12-2-2: Child Care Center
 - 12-2-2: Child Care Home
- Summary Basics:
 - Staff is proposing to amend the definition for “Child Care Home” to align with the state statute definition and capacity requirements for Child Care Homes.
 - Staff is also proposing to amend the definition for “Child Care Center” to better align with the state statute definition and capacity requirements for child care facilities.

Summary of Amendment Petition:

As part of the budget bill, NC General Statute 110-8 and NC General Statute 110-91 revised the definition and capacity for “family child care homes”. This revision increased the maximum capacity of children a family child care home operator is permitted to serve. The new standards exceed what is currently permitted under the City’s Zoning Ordinance.

Both family child care homes and child care centers are required to be licensed by the Division of Child Development and Early Education within the NC Department of Health and Human Services. Part of the process to obtain a license requires that the child care facility (home or center) comply with all local ordinances. This proposed zoning text amendment would align with these licensing requirements and allow child care home operators the ability to increase the maximum capacity of children thereby increasing child care options within the city.

Staff is also proposing to amend the definition for ‘Child Care Center’ to align with the state statute definition and capacity requirements. After reviewing the revisions made to family child care homes, staff also reviewed the existing state statutes for child care centers and determined that the current zoning ordinance definition should also be updated to reflect the state definition and capacity requirements for child care centers.

For these reasons, staff is proposing to amend the current definition for “child care homes” to meet the revised standards of NCGS 110-86(3)b. and NCGS 110-91(7); and to amend the current definition for “child care center” to align with the state statute definition and state capacity requirements for child care facilities.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The City’s Zoning Ordinance Section 12-2-2 defines “Child Care Home” as the following:

- Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual’s home for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

The revision to G.S. 110-86(3)(b) increased the maximum number of children a child care home operator could have from 9 children to 10 children. The amended statute reads as follows:

“A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than 10 children receive child care, provided the arrangement is in accordance with G.S. 110-91(7)b.”

The revised NCGS 110-91(7)b that governs child care home capacity reads as rewritten:

“A family child care home is allowed to provide care for one of the following groups of children, including the operator’s own preschool-age children and excluding the operator’s own school-age children up to 13 years of age:

- 1. A maximum of eight children, with no more than five children who are birth to 5 years of age, plus three school-age children.*
- 2. A maximum of three children from birth to 24 months of age plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.*
- 3. A maximum of 10 children if all children are older than 24 months of age.”*

In order to meet the increase demands for child care options within the City, staff is proposing to amend the current definition for child care home to meet the current statutory language for family child care homes. This would increase the maximum allotted number of children from 6 to 10, provided the arrangement is in accordance with G.S. 110-9(7)b.

Lastly, the current City’s Zoning Ordinance definition for “Child Care Center” is as follows:

- Child care center: An individual, agency or organization providing supervision or care on a regular basis to more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children, of the supervising adult.

The definition for child care facility under G.S. 110-86(3)a states the following:

“A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.”

The staff-child ratio and capacity for child care facilities under G.S. 110-91(7) is comprehensive and is attached to the staff report as a separate document. However, staff is proposing to amend the current definition for child care center to align with the state statute definition for child care facility and capacity requirements in G.S. 110-91(7) by referencing the general statute in the definition itself.

PROPOSED STANDARDS

The proposed ‘Child Care Home’ and ‘Child Care Center’ language changes read as follows:

Legend: Additions to the Ordinance ~~Deletions from the Ordinance~~

12-2-2 Child Care Home.

Child Care Home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home where at any one time, more than two children, but less than 10 children, receive child care, provided the arrangement is in accordance with the requirements under G.S. 110-91(7)(b). ~~for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

12-2-2 Child Care Center.

Child Care Center: An individual, agency or organization, located within a commercial facility, providing supervision or care on a regular basis to three or more preschool-age children or nine or more school-age children receiving child care per G.S. 110-91(7)a. ~~more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

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

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses. Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan
Population & Housing	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Natural & Environmental Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Cultural & Historic Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Community Facilities	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Water Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Transportation & Circulation	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	<i>The proposed text amendment is compatible with existing child care homes and child care centers in the City.</i>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	<i>There has been an increased demand for child care options within the City and the proposed text amendment would help address those demands for both residents and the workforce.</i>
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	<i>The proposed text amendment aligns with the public interest in that it addresses an increased need for child care within the City. Additionally, both child care centers and child care home are required to comply with all state, federal, and local ordinances that pertain to child health, safety and welfare.</i>
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	<i>The proposed text amendment has no known impacts on public facilities.</i>
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	<i>There are no known connections between this text amendment and the environment / natural resources. The current effect on the natural environment would not change with the passing of this text amendment.</i>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT

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

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more child care services within the City.

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and

DRAFT [Rationale for Approval]

- *The proposed text amendment aligns with the state licensing requirements for child home care and child care centers.*
- *The proposed text amendment allows existing and future child care facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City.*

DRAFT [Rational for Denial]

- *The proposed text amendment increases the impact of child home care in residential zoning districts.*

Ordinance # ____ - ____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
THE OFFICIAL ZONING ORDINANCE, SECTION 12-2-2 CHILD CARE HOME AND
SECTION 12-2-2 CHILD CARE CENTER**

WHEREAS, the Planning Board took up this application at its regular meeting on January 11th, 2024; voting ____ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on _____, and

WHEREAS, the proposed amendment is intended to not duplicate regulations enforced by other agencies and to keep the requirements up to date and reflective of current trends; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 12-2-2 Child Car Home and Section 12-2-2 Child Care Center of the Zoning Ordinance of the City of Hendersonville be amended as follows:

12-2-2 Child Care Home.

Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home where at any one time, more than two children, but less than 10 children, receive child care, provided the arrangement is in accordance with the requirements under G.S. 110-91(7)(b). ~~for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

12-2-2 Child Care Center.

Child care center: An individual, agency or organization, located within a commercial facility, providing supervision or care on a regular basis to three or more preschool-age children or nine or more school-age children receiving child care, ~~more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult~~ per G.S. 110-91(7).

Adopted this ____ day of _____ 2024.

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

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

INCREASE CAPACITY/FAMILY CHILD CARE HOMES**SECTION 9D.10.(a)** G.S. 110-86(3) reads as rewritten:

"(3) Child care facility. – Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than ~~nine~~ 10 children, receive child ~~care~~. care, provided the arrangement is in accordance with G.S. 110-91(7)b."

SECTION 9D.10.(b) G.S. 110-91(7)b. reads as rewritten:

"b. Family Child Care Home Capacity. – ~~Of the children present at any one time in a family child care home, no more than five children shall be preschool aged, including the operator's own preschool age children.~~ A family child care home is allowed to provide care for one of the following groups of children, including the operator's own preschool-age children and excluding the operator's own school-age children up to 13 years of age:

1. A maximum of eight children, with no more than five children who are from birth to 5 years of age, plus three school-age children.

2. A maximum of three children from birth to 24 months of age, plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.

3. A maximum of 10 children if all children are older than 24 months of age."