

CITY OF HENDERSONVILLE PLANNING BOARD - REGULARLY SCHEDULED

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792

Monday, May 09, 2022 – 4:00 PM

AGENDA

- 1. CALL TO ORDER
- 2. APPROVAL OF AGENDA
- 3. APPROVAL OF MINUTES
 - A. Minutes of the April 11, 2022 meeting

4. OLD BUSINESS

5. NEW BUSINESS

- <u>A.</u> Rezoning: Conditional Zoning District Washburn Tract (P22-19-CZD) *Matthew Manley, AICP – Planning Manager*
- <u>B.</u> Rezoning: Conditional Zoning District Duncan Terrace (P21-79-CZD) –*Matthew Manley,* AICP – Planning Manager
- C. Zoning Text Amendment: Supplementary Standards for Day Centers (P22-29-ZTA) *Matthew Manley, AICP Planning Manager*
- <u>D.</u> Rezoning: Conditional Zoning District Upward Rd Restaurant (P22-15-CZD) *Matthew Manley, AICP Planning Manager*

6. OTHER BUSINESS

7. ADJOURNMENT

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

Minutes of the Planning Board Regular Meeting - Electronic April 11, 2022

- Members Present: Jim Robertson, Chair, Neil Brown, Tamara Peacock, Barbara Cromar, Frederick Nace, Peter Hanley, Hunter Jones, Stuart Glassman
- Members Absent: Jon Blatt (Vice-Chair)
- Staff Present:Matthew Manley, Planning Manager, Tyler Morrow, Planner II, Lew Holloway,
Community Development Director, Angela Beeker, City Attorney and Terri Swann,
Administrative Assistant III
- I Call to Order. The Chair called the meeting to order at 4:00 pm. A quorum was established.
- II Approval of Agenda. *Mr. Brown asked that Item B be moved to the end of the agenda. Mr. Manley stated Item F has been withdrawn. Mr. Brown moved for the revised agenda to be approved. The motion was seconded by Mr. Hanley and passed unanimously.*
- III Approval of Minutes for the meeting of March 14, 2022. *Mr. Hanley moved to approve the Planning Board minutes of the meeting of March 14, 2022. The motion was seconded by Mr. Brown and passed unanimously.*
- IV Old Business
- V New Business
- V(A) Conditional Zoning District Hawkins Pointe (P22-16-CZD). Mr. Manley gave the following background:

The city is in receipt of an application for a Conditional Zoning District from David and Clay Cooper of Woda Cooper Companies, Inc., Applicant and Dr. Leon Elliston of Regional Properties ANC General partnership and Nicholas Iosue with Castles & Cottages, LLC, Property owners. The applicants are requesting to rezone the subject properties PIN's 9568-58-3734, 9568-58-4911, 9568-58-2974, 9568-48-9996, 9568-58-1916 and 9568-48-9860 from MIC, Medical Institutional Cultural to UR CZD Urban Residential Conditional Zoning District for the construction of a 49' 5", 52-unit affordable housing tax credit apartment building on approximately 1.66 acres The UR district does not have a density cap.

A Neighborhood Compatibility meeting was held February 28, 2022. Concerns and questions related to impacts to the historic character, noise, stormwater runoff, privacy, buffering, traffic, congestion and existing trees.

The current zoning along with the current land use and zoning were discussed in is included in the staff report.

Site photos were shown. Trees were discussed along with the preservation of the White Oak.

The Future Land Use is Urban Institutional. The uses surrounding the property were discussed and are included in the staff report.

Comprehensive Plan Consistency was discussed. Each chapter is included in the staff report. Mr. Manley stated this project is consistent with each of the Land Use chapters.

Mr. Manley stated this property falls in the West Side Historic District which is a National Register District.

This is infill development that will use the existing city infrastructure.

General Rezoning Standards were discussed from the staff report. The height of the building was discussed and the compatibility with the historic district. The National Register Historic District is a factor that suggests a development of this scale and design would be incompatible, however, the portions of the site plan that are within the National Register district do not contain any proposed structures.

A draft of the Comprehensive Plan Consistency Statement was shown in the presentation and staff report along with the Rezoning Reasonableness Statement.

The site plan was shown and explained by Mr. Manley. Urban Residential requires design standards and a proposal of the building was shown.

Staff analysis and conditions were presented in the presentation and included in the staff report.

Mr. Manley stated the Stormwater Administrator had one condition. The city is requesting that the developer provide retention for one-year 24-hour storm event to help mitigate additional runoff form the site.

The Transportation Consultant deferred the TIA until after the rezoning.

Chair asked about the disturbance of over an acre and he thought that triggered a 10-year event on most of the projects. Lew Holloway, Community Development Director stated stormwater on redevelopment sites is not required.

Mike Huffman, Stormwater Administrator stated recent changes in the state regulations on redevelopment, the developers are not required to treat or do anything for stormwater. Mr. Huffman explained a 10-year event and a one-year 24-hour event. He talked about the intensity of storms and the amount of rainfall here normally being an inch or less in a 24-hour period. This proposed system would be sized smaller than a 10-year event.

Ms. Cromar asked about the impervious surface. Mr. Huffman stated most of the impervious surface has returned to grass and is considered pervious, however, there is gravel underneath those grassy areas. The areas considered impervious will be combined and will not increase the impervious surfaces.

Ms. Cromar asked if the access would be one-way in and one-way out. Mr. Manley stated this will be twoway traffic in and out. He pointed out the loading/unloading zone on the site plan.

There were no further questions for staff.

Clay Cooper, 500 S. Front Street, Columbus, OH stated he is the applicant, and he is with Jeff McCluskey, Charlotte NC, engineer for the project. He stated Cooper Companies operate in 16 states. They do development, construction and management. They are long term holders of their properties. In 31 years, only one development has been sold. This is a 52-unit, three and four-story building with a one-to-one parking ratio. They will have a planting strip on both sides of the fence, and they will save as many trees as possible.

Mr. Cooper talked about Chapter 2.3 and the growth rate for senior populations. This development meets all the goals in 2.3. There is a need for affordable housing. There is an inadequate supply of affordable housing in this area. These units will be 100% affordable and rent to 30% up to 80% median income. This property is 1.66 acres and is a much better use of the property than what was there. The infrastructure is already there. They carry an energy star certification, and all appliances will be energy efficient. They provide better insulation as long-term holders for better maintenance.

Mr. Cooper stated the MIC zoning would allow for a 50,000 sq. ft. office building by right and they would not have to go through the public meeting process, therefore he feels this multi-family use is a better use and will fit in with the residential uses. This will be less intense for the neighbors as the traffic analysis showed 16 a.m. trips and 27 p.m. trips. There would be more trips with an office building. The original plan showed 60 units and four stories. They are down to three stories and 52 units due to the neighbors' concerns. He has met with neighbors and given out his cell phone number to them. He is trying to be a good neighbor.

Jeff McCluskey stated the state changed the criteria for stormwater and they will have less impervious with less run off than before. This is a great site for walkability with the YMCA across the street. Mr. Cooper stated this is the only application with a 60+ walk score. That is the highest you can get.

Chair asked if there were questions for the applicants.

Ms. Cromar asked where the elevator would be located. Mr. Cooper stated in the middle of the building. She asked what the construction materials would be. Mr. Cooper stated hardy panel with brick. Ms. Cromar asked if the two-way access would be 24 feet. Mr. McCluskey stated there will be full access on both sides with 26-foot lane. Ms. Cromar asked if they would have one parking space for each unit and 52 parking spaces. Mr. McCluskey stated they have additional on-site parking and this will not be assigned parking. Ms. Cromar asked about the historic portion of the property. Mr. Cooper stated it will be just parking, no structure will be on the historic portion. Mr. Manley pointed the portion out on the site plan. Ms. Cromar asked what the height of the fence would be. Mr. Cooper stated six feet.

Ms. Peacock asked if they do not receive the tax credits would the project still move forward. Mr. Cooper stated he feels good about their application but if they do not receive the tax credits, they will not move forward with the project.

Mr. Brown asked if approved could all the units be 80% AMI or less. Could this be a binding condition to the rezoning? Mr. Manley stated this condition is attached to the site plan. A market rate developer could come in and build this, but they would have to agree to affordable housing or go back through the process.

Mr. Glassman asked who would be living in the apartments. Mr. Cooper stated people aged 55 and up which could be retires or hospital workers, etc. Mr. Glassman was concerned that one elevator would be a problem. Mr. Cooper stated one elevator would be sufficient. Mr. Glassman stated there needs to be a traffic light at Oak and 6th Avenue. Chair stated sometimes the TIA will trigger a signal light. Mr. Glassman stated the trip generator report stated they fall below the NCDOT standards to require a TIA. They had two reports done by two engineers and both said the same thing. They ask that the TIA be deferred until after the rezoning due to cost.

Mr. Brown asked if they would accept a condition for fully shielded lighting on all exterior lights. Mr. McCluskey stated the lights will be full cut-off fixtures and Duke will do a lighting plan with zero spill over at the property line. There will be foot candles.

Chair stated in 2015 the impervious surface was 49,000 on all parcels combined. They are showing 44,000 which is less than what is there now, and he doesn't see it. Mr. McCluskey stated based on the

existing parking lot and putting in more green space, there will be less impervious surface than what is there now. Ms. Peacock stated they are counting 12,200 sq. ft. gravel area also. Mr. McCluskey stated gravel is considered impervious.

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

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street (Zoom) stated the basic issues are clear. This will have an impact on the adjacent neighbors. MIC has a mix of uses but most buildings are one or two stories. He had concerns about inserting the Urban Residential into this area. This project is overwhelming in its incompatibility. This will alter the character of this corridor. They do need affordable housing, but this project has a dysfunction of inadequate parking. It will create hazardous conditions. Residents will be using Florida Avenue and the narrow streets to navigate parking. This will be stressful for the neighbors. This project in its size, mass and height is incompatible with this location.

Ginny Faust, 727 Florida Avenue stated she worked as a City Planner for the City of Hendersonville back in the 70's. She has lived here since 1985. She will be speaking on behalf of some of her neighbors. Her statement is below:

I appreciate the opportunity to be here today and share my thoughts about the Hawkins Pointe project. I am speaking on behalf of several other property owners and residents in the area, and they have agreed to give their time to speak to me. Another property owner, Ellen Keates, supports my statements, but as she has additional concerns she will be speaking on her own behalf.

<u>The job of the Planning Board involves a balancing act</u>, as you consider the benefits of proposed projects and weigh them against potential impacts. You have a difficult, and at times, thankless job, and I would like to express my appreciation for all you are doing.

In addition, as the city continues to experience an avalanche of development, <u>the planning staff is challenged every day</u> to review proposals while ensuring the Comprehensive Plan and all applicable ordinances are followed. Thank you for your dedication and hard work.

I appreciate the efforts of the applicants to listen to the concerns of the neighbors. In some cases, they have made adjustments to their plans in order to address these concerns.

Let me emphasize that I agree there is a great need for affordable housing in our community, and this site would be an excellent location for the right project.

However, the proposed project is not a good fit for this location because the site is small, and its shape does not lend itself to the most efficient use of the available land. These constraints mean it is <u>not possible</u> to meet all the Ordinance requirements and be consistent with the Comprehensive Plan with the height and large building – almost the length of a football field – that is proposed. In other words, instead of "development," this is "overdevelopment." I realize some of these points have been covered in the detailed report prepared by planning staff. However, I have further thoughts I

I realize some of these points have been covered in the detailed report prepared by planning staff. However, I have further thoughts I would like to share.

Number 1. Section 5-25-5.1 of the Urban Residential Conditional Zoning District in the Zoning Ordinance states,

"Urban Residential developments <u>shall</u> be oriented around one or more significant open spaces, such as parks or plazas." I believe one reason this requirement was included in the regulations for the Conditional Zoning District is because there is no density limit specified, and in return, the significant open space required in the project will provide a benefit to the wider community, not just to the residents.

(note to self – point out space on colored aerial site plan) The open space provided for this project is in a long strip behind the building; people who do not live in the building will likely have no desire to use it or even be aware that it exists. In my evaluation, the proposed project fails to meet the requirement to provide a significant open space.

***(Show picture "WodaCooperHsngExample" (1905 KB) This is a great example of a development with a "significant open space" that comes from the applicants' own literature. It won an award and has 44 units; it is located in Georgia. A plaza like this would be a visible, usable, welcoming space for the residents AND the community. What an asset a space like this could be for our city. It would set an example to follow for future rezonings to the Urban Residential District. However, this site is not big enough to allow for such a space.

Number 2. A Strategy of the Comprehensive Plan (Strategy PH-1.4) states that placing higher intensity uses on major arterials helps to keep traffic away from local residential streets. The parking arrangement for this project does the exact opposite.

• There are two separate parking lots, one on each side of the building. They are not connected with an internal driveway because there is not enough room for a driveway and the required open space.

- Parking is not evenly divided between the two lots 42 spaces are on the Oak St. side and 14 are on the Justice St. side.
- The applicants have said they do not see the need to assign parking spaces to the residents.
- If residents look for a parking space on the Justice Street side of the building using the Florida Ave. entrance and don't find one, because there is no internal driveway, they will have to leave the site by exiting on Sixth, take a right on Justice, take a right on Florida, drive down the block to Oak Street, take a right on Oak, and try their luck in that lot.

This will create completely unnecessary trips on Sixth Ave., Justice, Florida, and Oak as people drive around the block to look for parking. These trips should take place on the site itself, but they can't. However, if this project is approved as proposed now, traffic will be <u>forced</u> to use local residential streets to travel between the two lots to find parking. This is not consistent

with the Comprehensive Plan. **Number 3.** Section 5-25-5.13 of the Zoning Ordinance states,

-internal streets shall have sidewalks....
 - There is no sidewalk provided for 16 of the spaces at the south end of the lot near Florida Avenue. This means people will have to walk in the driveway in this area.

In addition, there is no room for a turn-around where the lot ends at Florida Avenue, which is the area without sidewalks. When vehicles enter the lot and turn right towards Florida to look for a space, if there are none, they will have to back up and then back into the driveway to be able to turn left and try the part of the lot towards 6th. This could cause potential safety issues if people are walking in the driveway at the same time.

Number 4. According to Section 5-25-2 of the Zoning Ordinance, this use is not permitted in this proposed rezoning district because this area is designated Urban Institutional in the Comprehensive Plan and is therefore not included as an area for the Urban Residential District. The applicants have requested that relief be granted from this provision. However, the proper procedure is to amend the Zoning Ordinance.

<u>Number 5.</u> These next several issues relate to this project being adjacent to the West Side National Historic District. The District includes the north side of Florida Avenue. Both the Population and Housing, and Cultural and Historic Resources sections in the Comprehensive Plan refer to the importance of preserving and enhancing historic and older neighborhoods.

I am concerned that the very large building on this small site makes it difficult to achieve these goals, for the following reasons. <u>The first reason is privacy.</u> Section 5-25-5.1 of the Urban Residential Conditional Zoning District in the Zoning Ordinance states, "Structures shall be placed... so as not to adversely affect adjacent property. Adverse effects shall include...unreasonable loss of privacy."

- The building will be, in some cases, approximately 70 feet from several of the homes to the rear, resulting in a complete loss of privacy in the backyards for these residents and for people staying at the Air B&B. In other words, the people using their backyards will be the "view" of the people living in the apartments.
- This is an example of what a six-foot privacy fence will look like from the backyards of some of the adjacent houses. The picture
 was taken at approximately the same distance the proposed building is from the rear of these homes. As you can see, this fence
 will provide no privacy for these homes.
 - Privacy could be improved if the building could be moved further away from the rear property lines, but there is no room on the site to do this.

<u>The second reason is preserving vistas</u>, which is discussed in this same Section in the Zoning Ordinance. The only view some of these homes will have is of the rear wall of the building, with all the windows looking into the homes and backyards of the people who live there.

The third reason is scale.

This relates to a Strategy in the Population and Housing Section of the Comprehensive Plan related to promoting compatible infill development. The issue of scale is also noted in the Zoning Ordinance. The proposed building is larger than any other buildings in the area. For instance, the College/Wingate University building on the other side of 6th Ave. is approximately one-half the length of the proposed apartment building. Imagine two of them side by side to get an idea of the size of the proposed building on this site. This seems out of scale with not only the neighborhood on Florida Avenue, but also with what we see on 6th Avenue.

Instead of one very long building, three and four stories tall, directly adjacent to the homes in the historic district and visible from Florida Avenue, a more compatible use would be two or more buildings with smaller footprints that would be more in scale with the adjacent single-family homes, have less of an effect on privacy, allow for vistas, and not completely dominate the views of Florida Avenue residents. Such a project could allow for a plaza between the buildings, and serve as the "significant open space" the ordinance requires. This space would be a visible benefit to the community, and a place for many people to enjoy.

<u>At this time</u>, I would like to address some other concerns I have for the future residents related to parking that are not related to Ordinance requirements.

- The applicants have said parking does not need to be assigned because since this is an affordable development for seniors, not everyone will own a car, so that means there will be plenty of empty parking spaces.
 - This assumes that people who don't own a car will have no one coming to help or visit them on a regular basis, so the space for that apartment will be empty most of the time. Speaking from personal experience, this is simply not the case. I have an adult special needs family member who lives independently here in Hendersonville in an apartment out 191, about 1 and one-half miles from downtown. He walks to many places for errands. This

proposed project would be a wonderful location for him and his roommate, who is disabled. They have a parking space for their apartment now, and although neither one of them drive or own a car, the space is used constantly by health care workers coming to help his roommate throughout the day and into the evening. I use the space when I visit my family member.

- However, even if spaces were to be assigned, it will be very inconvenient for people living on the Justice Street side of the building when their space is on the Oak Street side. How long does it take to walk the length of a football field? What will it be like to carry multiple loads of groceries from the parking space to the apartment?
- Another concern relates to whether there is space on the site for the transportation van which will be parked for several minutes while passengers are getting on and off for medical and other trips, without blocking the internal driveways.

My final point is this. It is important to note that this is the first rezoning to this Urban Residential Conditional Zoning District.

It will set a precedent for future rezonings to this District, and if it is approved as proposed, future applicants will be able to point to this project and argue that they do not need to follow important requirements. Let's make sure we set the right tone now for what we want to encourage in this District in the future. In other words, is this what we hope to see?

Chair took a count of the neighbors in the room that were agreeable with Ms. Faust statement. There were five. When no one else wanted to speak, Chair closed the public comment.

Mr. Cooper stated the Wingate building is 100,000 sq. ft. and it does not look out of place, and they are only half that size. He stated a commercial office building would be permitted by right in the MIC zoning district. He stated they comply with most every requirement in the UR district. The only change would be the pitch roof.

Chair asked if this was the first time anyone has applied for Urban Residential. Mr. Manley stated there was a property that had been previously zoned Urban Residential but was rezoned to PCD. This zoning does exist in the zoning code.

Chair had questions about adding conditions. Mr. Holloway stated the developer has to agree to the conditions and they must offset the impacts of the project. Mr. Holloway stated if the conditions are not addressing the impact from the development, turning the development down for not agreeing to the conditions is not appropriate.

The Board discussed the height of the building not fitting into the neighborhood, age 55+ is appropriate for this area, the project is in too small of a space, parking is a big issue and the need for affordable housing. Chair also discussed the 10-year storm system and how it is needed and the parking issues turning Florida Avenue into a roundabout. Mr. Holloway stated the Board cannot require a 10-year storm system because the state statute does not require this for redevelopment.

Mr. Cooper stated he could accept the stormwater condition but splitting the building would not be feasible.

Chair stated the goal of this Board is to make a good recommendation to City Council. Ms. Cromar stated she does realize affordable housing is needed but they don't always need it the way it is proposed. They don't have to accept it as proposed.

Ms. Cromar moved the Planning Board recommend the denial of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9568-58-3734, 9568-58-4911, 9568-58-2974, 9568-48-9996, 9568-58-1916 and 9568-48-9860 from MIC, Medical, Institutional, Cultural to UR CZD, Urban Residential 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 Urban Institutional designation calls for Multi-Family Residential as a secondary recommended land use and compliments the surrounding primary recommended land uses (public and institutional uses and office) and the proposed location and site plan aligns with a majority of development guidelines listed under LU 11.4/12.4. Chair asked what Urban Institutional has to do with multi-family when it is zoned MIC. Mr. Holloway stated it is the Comprehensive Plan designation. Ms. Cromar stated we do not find the petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing because: 1. The petition proposes a building mass that is out of scale with the abutting single-family homes to the south of the site. Mr. Brown seconded the motion.

Chair stated he is concerned if the Board does not list all the negative aspects of the project City Council will look at the need for affordable housing only. They should list all problems so that it is brought out and let City Council address them. Mr. Holloway stated the list of impacts are at this Board's discretion.

Ms. Cromar amended the motion to include: 2. The petition is partially located in a National Register Historic District and proposes a design and site size which is out of character with abutting properties and the West Side Historic District. 3. Other permitted uses in the MIC zoning district which contain a residential component have additional limitations which would not permit the scale or density of the proposed project – limitations on 3 of bedrooms/acre, minimum lot side, etc. 4. The Urban Residential Zoning district requires that only parcels designated as Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center and Business Center shall be considered for Urban Residential. 5. Because of the lack of community green space availability and, 6. The lack of a 10-year stormwater requirement. Mr. Brown seconded the amended motion which passed seven in favor and one (Chair) opposed.

The Board took a five-minute recess at 5:50 pm reconvening at 5:55 pm.

V(B) Conditional Zoning District – White Pine Villas (P22-13-CZD). Mr. Morrow gave the following background:

The city is in receipt of an application for a Conditional Zoning District from Dennis Tharrington and Stephen Drake of WDT Development, LLC. The applicants are requesting to rezone the subject properties identified as PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864 and located at 2620 Chimney Rock Road from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a four-story, 88,500 sq. ft. apartment building with 78 units on approximately 4.64 acres.

The underlying zoning on the site currently permits a 78-unit apartment building with a height of 34'11" to the midpoint of the roof. The developer is proposing a 78-unit 55+ senior living apartment building with a height of 50' at the midpoint of the roof. The request for increased height, reconfiguration of the vehicular use area and the reduction in building footprint are the main deviations from the previously approved site plan.

A Neighborhood Compatibility meeting was held February 18, 2022. Two members of the public were in attendance. One person attended virtually. Questions centered around the TIA, entrance requirements and parking and the age of the tenants. Concerns were stormwater runoff.

Mr. Morrow explained the current land use and zoning and stated some uses in the area such as Ballantyne Commons, Ingles, and single-family homes.

Site photos of the property were shown.

The property was rezoned on April 2, 2020 from HMU. Highway Mixed Use to PRD CZD, Planned Residential Development Conditional Zoning District. The rezoning was tied to a Low-Income Tax Credit

Application. The request was for a 78-unit three-story 55+ multi-family building on approximately 4.64 acres. The project did not receive tax credits. The preliminary site plan was approved by City Council, but staff never received the final site plan.

The Future Land Use is Neighborhood Activity Center.

Comprehensive Plan Consistency was discussed. Each chapter with the goals and strategies were listed in the staff report.

The General Rezoning Standards were discussed and are listed in the staff report.

A draft Planning Board Comprehensive Plan Consistency Statement was shown in the presentation. A draft Planning Board Reasonableness Statement was also shown.

The site plan was shown along with the tree survey.

Due to the increase in height a sun study was required and done. The building will not block sunlight or shade adjacent properties.

There were no staff proposed conditions and this development did not trigger a TIA. The Tree Board has three proposed conditions. The developer was agreeable to two of those conditions but countered with a condition.

- 1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits. [developer agreed]
- An additional 25 large and medium canopy trees, 2 ½" or larger caliper, beyond those shown as preserved (10) on the site plan reviewed by the Tree Board, must be planted throughout the site. [developer agreed]
- 3. Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses can be used. [developer does not agree]

Developer Proposed Counter:

Implement a vegetative planting plan that will enhance the banks of and a 20-foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. [developer agreed]

Mr. Brown stated he has no problem with the development but has concerns about setting a precedent on the height requirement.

Chair discussed the creek. Mr. Morrow stated it is a pretty small creek and the stream is piped. Chair stated a condition was imposed on the development next to this one for a 50-year storm system requirement because of the culvert, would this kind of condition not be appropriate for this development?

Mr. Morrow stated there are different slopes on these developments. The other development had a very steep slope that involved the floodplain, this one does not.

Mr. Morrow stated there are fire codes on access points and 100 units is the trigger. This one falls below the 100 unit trigger. The building will be sprinkled.

There were no further questions for staff.

Stephen Drake, 195 Rockridge Road, Mills River stated he has done affordable housing for about 10 years now. The demand for affordable housing is great. They will provide seniors with quality affordable housing. White Pine Villas was approved two years ago as a PRD CZD. It will be for ages 55+. The biggest alleviation is going from three stories to four stories. They are wanting to have full access around the building for fire access. The building will be sprinkled, and they will add a fire hydrant. Full access around the building is very important. This is a much better layout as they want to make a better product. This is a great area. It is walkable to Ingles and Blue Ridge Health. They are hoping to get the tax credit this year.

Mr. Jones asked if he plans to have open green space and trails for the residents. Mr. Drake stated they will have a sidewalk around the building. The topography is a challenge. They may try to have a picnic area and a gazebo outside. They will have a fitness center, computer room and an arts and crafts room.

Ms. Cromar discussed the first plan and how the hose could not go all the way around the building. Mr. Drake stated with this change the 200-foot hose will be able to reach all areas of the building. Mr. Drake stated the size of the apartments basically stayed the same. Each apartment will have their own storage unit.

Mr. Glassman asked how many elevators this would have. Mr. Drake stated two.

Discussion was made on what separates this development from Ballantyne Commons. The properties only touch corners. Mr. Holloway stated there is no change being required because of the building height. HMU allows for four-story apartment buildings.

Chair opened the public comment. There was no one in the room that spoke.

Ken Fitch, 1046 Patton Street (Zoom) stated he wanted to commend the developer on the improvements because the fire access is very important. There are still flooding issues in this area. City Council has expressed concerns on height issues. Would the applicant move forward with the first approval if City Council denies this one? A lot of the trees are being removed and he feels like they should give more consideration to keeping the larger trees.

Chair closed the public comment.

Mr. Glassman asked if they turn down the height would he still move forward. Mr. Drake stated he would not because he would be concerned about a violation with the Fire Code. If left with only three stories, there would be no fire access and that would be placing the seniors in jeopardy. They are only adding 10 feet to the height. The lot line drops down 15 feet, and you will not see much of the building.

Ms. Cromar asked if he had considered reducing the number of units and still be able to allow for the circular parking. Mr. Drake stated there would be a problem with less units because they cannot operate in the red. Mr. Holloway stated the petition was approved for 78 units and that approval still exists today.

Chair asked if they were losing more trees. Mr. Drake stated maybe a handful. They will be planting an additional 25 trees.

Mr. Brown asked about the rationale for the height increase. Mr. Holloway stated two years ago there were no Fire Marshal concerns. Now they have requirements to meet in the Fire Code. There is a height exemption allowed for PRD. He stated allowing the height exemption is not setting a precedent. It is allowed for PRD's in the Zoning Code.

Ms. Peacock moved the Planning Board recommend the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9670-70-6498, 9670-70-8607 and 9670-70-8864) from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District based on the site plan submitted by the applicant, dated 3-31-22, and presented at their meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan. 2. 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: Neighborhood Activity Center designates multi-family residential as a secondary recommended land use. The addition of more multi-family in this area further diversifies the mix of uses present while retaining Neighborhood retail sales and services as the prominent use within this Future Land Use category's boundaries. 3. 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: The current underlying zoning on the subject property permits 78 multi-family units. This development will provide senior multi-family within walking distance (+0.15 miles) of Miracle-Ear Hearing Aid Center, Blue Ridge Health and Ingles/Ingles Pharmacy. The project is proposed to be 100% affordable (at 80% AMI or below). The subject property is identified as a priority infill area. Mr. Hanley seconded the motion which passed 7 in favor and 1 opposed (Cromar).

V(C) Conditional Zoning District – Southgate Apartments (P21-62-CZD). Mr. Manley gave the following background:

The City is in receipt of an application for a Conditional Zoning District from Suzanne Godsey of Sitework Studios, applicant and David W. Royster, III of Capitol Funds, Inc., property owner. The applicants are requesting to rezone the subject property (PIN 9568-75-5382) from C-2, Secondary Business to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of a 60' tall, 70-unit apartment building on approximately 3.63 acres. The Central Mixed-Use district does not have a density cap.

Two Neighborhood Compatibility meetings were held due to technical issues at the first meeting. They were lightly attended. Questions centered around access on Israel Street and the widening of Israel Street. Tree removal and the control of the right-of-way between the site and Kanuga Road. Concerns were flooding and the building height.

The current land use and zoning were shown in the presentation and included in the staff report.

Site photos were shown.

The Future Land Use is High Intensity Neighborhood and Natural Resource/Agricultural with Neighborhood Activity Center and Downtown Support.

The Comprehensive Plan Consistency chapters were shown and discussed and are included in the staff report.

General Rezoning Standards were shown and discussed and are included in the staff report.

A draft Comprehensive Plan Consistency Statement was shown.

The site plan was shown and Mr. Manley pointed out details on the plan.

The elevations were shown along with a 3D view of the proposed apartment building.

Developer proposed conditions were shown and are included in the staff report. Staff analysis and conditions were also shown and are included in the staff report.

The Tree Board had three recommended conditions which the developer agreed to. Those are included in the staff report. The developer did not agree to the condition to eliminate the gate or to construct a sidewalk along the east side of Israel Street from the site entrance to Kanuga Road.

Chair asked if there were any question for staff.

Ms. Cromar asked what the pitch on Israel is. Mr. Manley stated he does not know what the slope is. She asked if there would be exits onto Israel Street. Mr. Manley stated right in and right out with no left turn. Israel Street is a city street but does not meet city standards. At some point it will need to be upgraded.

Mr. Manley pointed out the connection to the Ecusta Trail on the site plan.

Chair asked if the applicant would like to speak.

Craig Justus, Attorney with the Van Winkle Law Firm stated he was here with the development team for the project and introduced each member of the team.

Suzanne Godsey, Sitework Studios stated she is the architect for the project. She has worked with the Royster's before and they have a long history. In 2015 they envisioned a multi-family housing project on this property. There are 17 goals and strategies, and she believes they meet them all. This will be a walkable development and she really likes this project. She showed a photo of the latest site plan showing entrance improvements and the gated entrance. They plan to do more work on the right in and right out access. The building will be nestled into the landscape with the first floor being on the backside of Israel Street and not easily viewed because it will all be nestled into the slope of the land. There will be a retaining wall and store areas with a bike shop, fitness center, storage areas and a club room. They will have outside paths for recreation and are envisioning a dog park, residential garden space and outdoor seating. They will have 70 units and 97 parking spaces. They reduced the number of units to meet the code. She discussed the floodplain and how there are standards in the Floodplain Ordinance and the zoning code, and it can be a bit confusing. They plan to have one parking space per bedroom.

Mr. Brown asked about the dumpster space for the complex. Ms. Godsey pointed that out on the site plan.

Ms. Godsey stated there are 11 conditions proposed for the project and they are meeting 9 of those and all three of the Tree Board's recommendations. They are not agreeable to two of those conditions. Concerning the condition on the gates, they are concerned about the property becoming a cut through. The ramp area behind the Fresh Market is already a cut through for traffic. They don't want to encourage that. Also, there is a safety concern and trail head parking. They do not want this to become a public access for the trail and that is the reason for the push back on that condition.

The proposed look of the building was shown. Ms. Godsey stated 26 feet of the building will show above Israel Street and this will feel more appropriate and compatible to scale going down Israel Street.

There is 275 linear feet of trail, and they are proposing a fee in lieu of the sidewalk along Israel Street. There is no place to construct a sidewalk and they do not have the survey information for this area that appears to be right-of-way. They do not know if this is feasible to place a sidewalk here. The second reason is the Ecusta Trail runs parallel to it already. Mr. Justus stated the property owners do not control the land proposed for the sidewalk. There is only 16 feet of right-of-way on the street, and they do not have the right to that space.

Chris Day, Civil Design Concepts. 168 Patton Avenue, Asheville, NC stated he is the engineer for the project. They will comply with all stormwater requirements, and they are not asking for any deviation from the stormwater control measures. He discussed the bio retention cell and stated they plan to put stormwater control measures in there. The bio retention cell will offset the volume of water. They will commit to do a detailed flood analysis and study that will show there will be no impact and they will do this before final site plan approval. They are asking to fill the parking area that is right on the edge of the floodplain to provide adequate parking and handicap access spaces. This is 5,000 sq. ft. of area with only 7% of floodplain on the site. They have hired Andrew Bick do a more detailed analysis.

David Hyder, JT Engineering, 1155 N. Main Street, Waynesville NC stated there is an issue why the connectivity to Main Street, Kanuga Road is a bad idea. The trucks serving Publix back in there and moving the ingress through the parking lot just works better. Israel Street is a narrow street, and it has been that way for years. It is currently a two-way street that is not striped and would work best as a one-way street. Under the City's guidance a TIA is not required but the developer did one anyway.

Mr. Justus stated normally inner connectivity is between blocks and there is a parking lot there. Having an opened area, not gated puts a liability on them and could create issues.

David Royster, owner and President of Capitol Funds stated they have been in Hendersonville for over 60 years. They have reinvested and put back into the community and would like to improve the quality of life for Hendersonville with this multi-family development. They are looking to move forward with this project and appreciate the Board's time.

Chair asked if there were any questions for the applicants.

Mr. Jones asked if the elevation runs with the property line. Mr. Manley stated there is sewer line there and a swell. Ms. Godsey stated there is a grade change there that has been difficult to overcome.

Mr. Glassman asked about the purple line on the site plan. Mr. Justus stated there is a connectivity issue and they are proposing connectivity to the Ecusta Trail to provide connectivity and creating a public easement. All the purple area is public dedicated to the city as greenway.

Ms. Cromar asked about accessibility for the fire trucks. How does it accommodate the code? Ms. Godsey stated there will be 26-foot drive aisle throughout the site. The Fire Marshal's comments have been addressed and the building was shrunk down from the original size. Mr. Justus stated Israel Street is a public street and the Fire Department could use it.

Ms. Cromar asked about the retaining wall and how high it would be. Mr. Hyder stated it is a basement wall and you will not see a wall there. They are pushing the building into the slope.

Mr. Day stated they are committing to a detailed hydraulic analysis of the site that states per city rules and FEMA rules they will not impact those waters from where they are today. Mr. Nace asked if the final site plan would come back to the Planning Board for approval. Mr. Holloway stated no.

Mr. Nace asked how many times in the past 10 years has the property been impacted by flood waters in the stores? Mr. Royster stated they have never had any water in the stores at Southgate in 60 years. Mr. Nace stated he would have to dispute that.

Chair opened for public comment.

Kelly McClendon, 309 White Street stated she was opposed to this development. They need to consider the highest and best use of the property and determine what that is. Has an environmental assessment been done? Could the city exercise their right to do eminent domain to preserve the land? According to Tom Fanslow at Conserving Carolina half of the parcel is located in the 100 year and 500-year floodplain. He also stated the parcel in question meets the definition of a wetland which is different from a floodplain or a bog. On March 10, 2021, the definition of a wetland as used by the Army Corp of Engineers and the US Environmental Protection Agency (since the 1970's) says it is areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life under these conditions. The vegetation that is already in place has adapted itself over time to accommodate the fact that there is water that gathers in this area. She doesn't know what Publix had to do but Ingles is in the floodplain, and they had to raise themselves up. They are converting all this water and she is concerned about where it is going to go. Water is unpredictable. On June 24, 2019 a seven foot wide 40' deep sink hole appeared at 101 Merrimon Avenue, Asheville after a 28" drain pipe that runs under the property failed. Two hundred tons of sediment was washed away by July 12th. You cannot divert water without causing problems. As for the traffic, they are still diverting traffic through a shopping center and the other access is on a one-way street. She had concerns about traffic going in and out on a one-way street and if they do not widen it there will be a lot of issues. They technically do not have access from any street. This project is like putting a square peg in a round hole and jamming it all in one small space.

Mona Groban, Davis Street stated she owns three homes on Davis Street and lives in one of them. There is no room to walk in this area much less drive. She understands housing is needed but this will cause a lot of issues with traffic. The city needs to look at Israel Street.

Ken Fitch, 1046 Patton Street (Zoom) stated this project generates the question of why build in the floodplain. There is a dysfunction in the area already concerning the floodplain. What happens when there is a flood in this area at this site? How will this development function? EMS will need to have a safe route for evacuation. Who is responsible for the upgrade to Israel Street? There is an incompatibility with Israel Street neighborhood. He also had concerns on the connection to the trail head.

John Hernandez, 150 Long John Drive stated he owns property on Willow Road and is not in favor of this project. With the Ecusta Trail coming he can see a potential major traffic problem and safety issue. What will happen to their property values? This is not adding value to his property. The best use of the land needs to be looked at and this is not the best use for this property. They should dedicate this property for a park for public use. The largest complex is not always the best design.

Chair closed the public comment portion of the meeting.

Mr. Justus stated they will answer some of the questions. Concerning environmental studies, being in a floodplain does not mean the property is a wetland. If this property is a wetland, it will come out when the study is complete. They will be doing a flood study showing there will be no increase or added harm to the area with this development. That is part of their conditions. They believe this is the best and highest use of the land. The C-2 zoning as it is now could permit a high intense commercial use. They are asking for residential as the use. This would put people within walking distance of downtown. They believe this is the highest and best use of the property.

Chair asked about reconvening the meeting. Mr. Holloway stated the Board can make that decision. There is one last item, a text amendment that City Council would like to hear in May. He encouraged the Board to continue but the Board has the authority to reconvene the meeting if they would like.

The Board took a five-minute recess at 8:20 pm and reconvened at 8:25 pm.

Chair asked if the Board had any further questions.

Chair stated someone mentioned a bond, but he does not know how you determine who caused the flooding down there because there is so much flooding going on from previous development. Mr. Justus stated there is no way to create such a condition. They are a very, very small component of that watershed. At the end of the day, they are doing a study to show that when they are done, they will not have a negative impact to flooding there. He doesn't even know how they would implement such a thing.

Chair asked whose idea was it to submit for the fee in lieu of the sidewalk on Israel Street. Was that the developer or staff? Mr. Justus stated that is at their request and it is a standard provision of the zoning code when faced with a situation when sidewalks may not be practical. They have a street with a right-of-way of 16 feet. You can't do a street and a sidewalk on 16 feet. They are providing pedestrian access in other ways in addition to providing money to the city to utilize a sidewalk in other places where it makes sense. There is no place to put a sidewalk on their property. Ms. Peacock stated the city can ask for a dedicated right-of-way. Mr. Justus stated he does not think there will be enough room on their side because 16 feet is barely enough for vehicular access.

Mr. Justus discussed walkability in this area and stated they are providing pedestrian access in the best way possible for their development, but they cannot do all things for all people. They do not have the means to do it.

Chair stated the comments about green space and common open space and the trail and how close it is to downtown; it is going to be fenced in so why would you want to put a gate at that access if this whole green space is not fenced in. Mr. Justus stated the greenway for the Ecusta Trai extension is a public way. The things you see about resident garden and outdoor seating is a private space, an amenity for the people there. It adds value to their development, if they were to dedicate that to the city for a public park that value would be eliminated. The development will be fenced. Ms. Godsey pointed out the open security fence on the site plan.

Mr. Day clarified the dashed bold line on the site plan and stated that is the floodplain and the entire building sits outside that elevation, outside of that line and that area sits outside the floodplain and two-feet above that Base Flood Elevation. Chair stated Mr. Fitch's questions were what happens when the property floods, and it will, where will the cars park and what about emergency services. Mr. Day stated that four feet of fill they referenced on the north side of the parking lot will allow them a foot to keep that up and there is access from Israel Street.

Chair asked about the size of the trail extension to the Ecusta Trail. Ms. Godsey stated they do not know what size the Ecusta Trail will be, but she thinks a lot of the Rails to Trails are eight to twelve feet wide and their trial is just not going to be that wide. It is not practical or feasible. It will be more like five feet. She pointed out that this parking lot field sits up higher than it is and is closer to the level of the first floor and is already sitting at a higher elevation. That is why there is no fill required in that parking field.

Mr. Jones asked about the number of units and bedrooms. Ms. Godsey stated there are 97 bedrooms and 97 parking spaces and 70 units. They have a mix of 1-, 2-, and 3-bedroom units.

Ms. Cromar asked if there was any concern about the traffic going out into the parking lot of the mall. Ms. Godsey talked about the roundabout proposed on Church Street and the access to the development would be from Church Street and will be reworked and improved.

Chair had questions about the requirement and the loading zone. Mr. Morrow stated the 12' x 40' loading space is required for every one of the districts except the C-1 district for deliveries and UPS and things like that. Chair asked the applicant why they needed to remove that? Ms. Godsey stated impervious surface is at a premium on this site and that is the reason for not having a loading zone. If they provide any type of loading, they will be going further into the floodplain and they will be losing parking for the project. She explained the process when someone is moving in or out. There is only one elevator in the knuckle of the building.

Board discussion: Mr. Brown could not get past the flood issues. Ms. Peacock stated they have to go through the engineers, and they will improve it. They discussed Publix and the problems on the Southside. Chair stated a request by an applicant to infill 25% when only 10% is allowed in an area already prone to flooding is a little questionable in his opinion. Mr. Nace also had the same concerns. He stated it has been a flood zone for the entire history of the city. If you look back to 1910 you can see photos of people taking a boat from Flat Rock to downtown. He had concerns about not seeing the flood study and the only ones that will see and approve the final plan is city staff. Chair stated the issue is the applicant wants to fill 25% of the flood area where only 10% is allowed in an area already prone to extreme flooding. Mr. Hanley stated the building itself is not in the floodway. They are just filling the parking lot. He stated it is not an issue for the building and there is access to both ends of the property. He drives behind The Fresh Market all the time and even in the worst of rains, it is still accessible. They have methodology in place to deal with it. They know what it does when it rains, we have been dealing with it for 50 years. It is an issue, but it is resolvable. It will be a fantastic improvement for that part of town.

Mr. Holloway clarified the condition that the developers have included as it relates to the flood standards, there is a request to fill four feet in the floodplain of an area that is 5,000 square feet for parking. He does not know that the fill area is equal to 5,000 square feet or if that is 5,000 square feet of parking and then the fill will appropriately slope up to that but that is the request and staff would presume that in approving that condition and the parking that is shown and any associated fill to it to obtain that parking as shown would be approved and there is another condition to develop another 25% of the floodplain area contained within the parcel as currently platted and is necessary due to the narrowness of the area developed outside of the floodplain. Chair stated and 10% is allowed and they are requesting to develop 25%. Mr. Holloway stated those are the two conditions and the developer may want to speak to that.

Mr. Justus stated conditional zoning is a tool that allows you some balancing, that you can't meet all your objectives, can't meet all your standards and sometimes there is a give and take. The Land Use Plan and thinks staff would agree, that you want to encourage infill development. You want the site developed. You don't want it to sit undeveloped. You want to put people close to the area. Conditional zoning allows you to modify certain standards. What they have to do is come to you and say when you do modify that, this is what they are doing. You will have professional engineers that will provide to your city staff, a study that says they are not going to negatively impact what is there predevelopment. That is their promise and they have to prove that to the city as a condition of this. And that is part of the give and take with conditional zoning. That you are able to modify that, those standards and conditions and that is why they are asking for it. Mr. Day stated there is staff and their job is to make sure these standards whatever they may be, erosion control, stormwater or FEMA standards, they are saying they will hold to those and make it not any worse than what is there today. They will not make it any worse. They are not going to build this project and make it any worse than what is there today, and they will do the flood analysis. They are committing to building the building out of the floodplain, building at least two feet above the Base Flood Elevation and that condition is placed on here so that staff can prove, and the developer cannot move forward unless they prove it will not be any worse.

Ms. Cromar has concerns about Israel Street and it cannot handle more traffic. She was also concerned about the height of the building.

Mr. Hanley moved the Planning Board recommend the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9568-75-5382 from C-2, Secondary Business to CMU CZD, Central Mixed Use Conditional Zoning District based on the site plan and list of conditions submitted by and agreed to by the applicant (dated 2/4/22) 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: Residential Dwellings, Multi-Family. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: There were no other conditions added. 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: The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4. 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: 1. The petition is located in a Priority Infill Area which recommends redevelopment of underutilized lots. 2. The petition provides infill development utilizing existing infrastructure. 3. The petition provides additional housing in close proximity to downtown and the future Ecusta Trail and in close proximity to goods and services. 4. The petition provides a transition from uses of high intensity to lower intensity uses. 5. The existing C-2 zoning provides a wide range of high intensity commercial uses including car washes, automobile and farm equipment sales, hotels, animal hospitals, service stations, and small-scale manufacturing by right up to 50,000 square feet. The petition for multifamily housing in the CMU District provides greater compatibility with surrounding land uses than other potential by right developments. 6. The proposed development provides access from a major thoroughfare. Mr. Glassman seconded the motion.

Board discussion: Mr. Nace thought #6 was not true. The development does not provide access to a major thoroughfare. Mr. Hanley stated once the traffic circle is installed it will have access from Church Street. Mr. Hanley stated he would remove #6 from the motion.

Mr. Hanley amended the motion to remove 6. The proposed development provides access from a major thoroughfare. *Mr.* Glassman seconded the amended motion.

Chair stated the only way he could support this motion with his vote is if the developer would agree to only develop the 10% allowed in the floodplain. They are asking for a special request to develop 25% of the floodplain in an area already prone to flooding. They are asking for something in addition to something that is already allowed and what is allowed is 10% and they are asking for 25% in an area prone to flooding. The other thing that city staff asked them to do is remove those gates and the only way he could support this is the 10% of the floodplain gets developed and not 25% and they remove the gates otherwise he is going to have to vote no. Chair asked Mr. Hanley if his motion would include any of those conditions. Mr. Hanley stated no, he does not think they are reasonable. Mr. Glassman asked if this development could move forward with only 10% infill. Mr. Justus stated no they could not due to the parking. Chair stated the required parking is based on the units and not the number of bedrooms so they could reduce the number of parking spaces required, especially since it is super pedestrian friendly. Mr. Glassman stated with those caveats, it's all over. Chair stated it is to remove those gates and only develop 10% of the floodplain but they are asking for another 15% in an area already prone to flooding. Removing the gates will cost them less money and they don't have to have 90 something parking spaces they could get by with 70. Mr. Hanley stated this is Hendersonville and the times are the times. A security gate is no big deal. Chair stated then why did city staff ask them not to put the gates in. Mr. Holloway stated it was a request related

to connectivity. Mr. Justus asked to speak. Chair stated any conditions they place on the development whether they agree to them or not, it will just be a recommendation by this Board. Mr. Justus stated he wanted to clarify the parking. Chair stated they had asked staff a question first. Mr. Manley stated 18.6-4.6 addresses circulation and access within the mixed-use zoning districts. "This ordinance encourages the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing urban fabric of the City". "Streets shall interconnect within a development and shall be designed with regard due to designed corridors shown on the City transportation Plan. Streets shall be designed as the main public space of the City and shall be scaled to the pedestrian. Applicants are encouraged to design streets so that they interconnect with adjacent properties." This is primarily focused on streets but certainly encouraging interconnectivity. With the unique circumstances of this development staff thought this was applicable as well between the two streets it connects to. Mr. Justus stated obviously the connectivity issue through a parking lot, they already commented on.

Chair called for the vote. The vote was 3 in favor of the motion and 5 opposed to the motion. Those opposed were Robertson, Nace, Cromar, Brown and Jones. Motion failed.

Chair asked if someone wanted to make another motion. Mr. Holloway stated they will need to make another motion and adopt the consistency statement, which goes to Council and is a requirement for the Conditional Rezoning. Chair stated he only voted no because those conditions were not in place. Several Board members stated they would vote no again with the conditions added. Mr. Glassman stated they are never going to get housing here if they keep denying it. Mr. Jones still has issues with the flooding even though there is green space beside it. Chair stated he didn't understand why they can't just send this to City Council. Mr. Holloway stated they need to adopt a consistency statement with the Comp Plan whether it is consistent or inconsistent you need to adopt and send to City Council a statement on the consistency or inconsistency of the development with the Comprehensive Plan because the rezoning will move forward whether you recommend denial or approval to City Council and one of the requirements that City Council must do is to consider the Planning Board's recommendation on Comprehensive Plan Consistency and a statement of reasonableness.

Mr. Brown moved the Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9568-75-5382 from C-2, Secondary Business to CMU CZD, Central 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: 1. The High Intensity Neighborhood designation calls for Multi-Family Residential as a primary land use and the proposed site plan aligns with a majority of development guidelines listed under LU 7.4. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The petition would add an additional 67,225 square feet of buildings, parking lots and streets to a parcel currently utilized for flood storage. This would make 48.7% of the site impervious. 2. The petition proposes parking and grading of 25% of the site's 100-year floodplain which exceeds that which is permitted by the City's Zoning Ordinance. 3. The petition is requesting to add fill to the 100-year floodplain at a level which exceeds that which is permitted by the City's Zoning Ordinance. 4. Israel Street is a substandard local street which is not designed to accommodate additional traffic. Mr. Nace seconded the motion. The vote was tied 4 to 4. Motion failed.

Mr. Holloway stated the motion failed and it will move on to City Council.

V(D) Zoning Text Amendment – Conditional Zoning District Rezoning Required Triggers. (P22-25-ZTA). Mr. Holloway gave the following background. Following a recent development project within the City of Hendersonville's Greenville Highway Mixed Use District (GHMU), staff were directed to investigate a zoning text amendment that would require Conditional Rezoning for development or redevelopment of 50,000 square feet or greater that would apply to all zoning districts classifications.

It appears this could best be accomplished with an amendment to Article 4: Sec. 4-5 to establish a development and redevelopment threshold, alongside individual clarifying amendments to the "mirror Conditional Zoning Districts" within Article V: Zoning District Classifications.

The requirement to rezone once a project reaches a certain threshold is applicable, in practice, only to R-40, R-20, R-15, R-10, R-6, C-1, C-2, C-3, C-4, MIC, I-1, RCT, CMU, GHMU, HMU, CHMU, each has a mirror "CZD" district.

This would apply to all the districts, subject to exemptions established within Article V. If adopted, this amendment would leave the only exemption within Article V as certain uses within the Industrial (I-1) zoning district.

Mr. Holloway went over the staff report and the research with the other zoning districts. This was looked at by the Legislative Committee. Mr. Brown stated he had looked at this and it is solid.

Mr. Jones moved the Planning Board recommend adopting an ordinance amending the official City of Hendersonville Zoning Ordinance, Article IV – Section 4-5 and Article V – Sections 5-1-4; 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 & 5-27-5 based on the following: 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* (Chair opened public comment to see if anyone would like to speak on the text amendment. No one spoke and Chair closed the public comment.) and because: The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the adjustment of review procedures to accomplish this goal as needed. 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: The petition addresses our existing zoning ordinance regarding the standard review process required of projects of a particular size. The text amendment will permit the community to address potential short-term incompatibilities caused by new development, particularly infill development. Mr. Hanley seconded the motion which passed unanimously.

- VI Other Business. None.
- VII Adjournment The meeting was adjourned at 9:15 pm.

Jim Robertson, Chair



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER:	Matthew Manley, Planning Manager	g MEETING DATE:	May 9, 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development

TITLE OF ITEM:Rezoning: Conditional Zoning District – Washburn Tract (P22-19-CZD) –
Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:	For Recommending Denial:
I move Planning Board recommend City Council	I move Planning Board recommend City Council deny
<u>adopt</u> an ordinance amending the official zoning map	an ordinance amending the official zoning map of the
of the City of Hendersonville changing the zoning	City of Hendersonville changing the zoning
designation of the subject property (PIN: 9578-39-	designation of the subject property (PIN: 9578-39-
5229 & 9579-11-8417) from PRD-CZD (Planned	5229 & 9579-11-8417) from PRD-CZD (Planned
Residential Development-Conditional Zoning	Residential Development – Conditional Zoning
District) to PRD-CZD (Planned Residential	District) to PRD-CZD (Planned Residential
Development – Conditional Zoning District) based on	Development) based on the following:
the site plan and list of conditions submitted by the	
applicant, [dated May 3, 2022,] and presented at this	1. The petition is found to be <u>consistent</u> with the City
meeting and subject to the following:	of Hendersonville 2030 Comprehensive Plan based
	on the information from the staff analysis and
1. The development shall be consistent with the site	because:
plan, including the list of applicable conditions	
contained therein, and the following permitted uses	The Medium Intensity Neighborhood
	designation calls for Planned Residential
Permitted Uses:	Developments as a secondary recommended
1. Residential Dwellings, Single-Family	land use and the proposed site plan aligns with
2. Residential Dwellings, Multi-Family	development guidelines under strategy LU
	6.4.
[for amendments to uses or conditions discussed and	
agreed upon in the Council meeting (between City &	2. We do not find this petition to be reasonable and in
Developer) and not yet represented on the site plan,	the public interest based on the information from the staff analysis, public hearing and because:
please use the following language, disregard #2 if not	the stan analysis, public hearing and because.
needed]	
	1. The comprehensive plan's Future
2. Permitted uses and applicable conditions presented	Land Use designation of Medium
on the site plan shall be amended to include:	Intensity Neighborhood does not
	recommend multi-family on Minor
	Throughfares. Therefore, Tracey
3. The petition is found to be <u>consistent</u> with the City of	Grove Rd's classification as a minor
Hendersonville 2030 Comprehensive Plan based on the	thoroughfare does not support dense
information from the staff analysis and because:	residential development.
	[DISCUSS & VOTE]

The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.

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

- 1. The development would provide 300 "market-rate" rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- 2. The development would provide 161 owner housing units. These units would help reduce the owner housing gap estimated to be between (-268) and 585 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- 3. The development is near the US 64 commercial corridor, an area of the city experiencing on-going development and redevelopment.
- 4. The addition of multi-family and single-family residential is in keeping with the surrounding land uses.
- 5. The proposal to conserve, via a conservation easement, the floodplain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community.
- 6. The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan.
- 7. Greenway construction and ROW dedication adds to existing greenway network of aligns with specific goals established for greenways.

[DISCUSS & VOTE]	

SUMMARY: The City of Hendersonville is in receipt of an application for a conditional rezoning from Mike Washburn (applicant). The applicant is requesting to rezone the subject property, PIN 9579-11-8417 and 9578-39-5229 and located off of Tracy Grove Road., from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family / single-family development consisting of 300 apartment units and 160 single family homes on approximately 162 acres with a density of 2.8 Units / Acre.

There are 13 apartment buildings proposed. The apartments are proposed to be 3-Story or 3/4-Story Split and consisting of 270 - 1 to 2 bedroom units and 30 - 3 bedroom units. A clubhouse and pool are also featured in the site plan for the apartments.

The single-family home lots are proposed to be 50'x100' (5,000 Sq Ft or .115 Acres). They feature a 20' wide driveway in front of the building area.

86% of the Site (139.4 Acres) would be preserved as Open Space. 80,000 Sq Ft (1.84 Acres) of the tract will be dedicated to the City for parkland. The developer is working with Conserving Carolina to mitigate impacts to the wetlands and make improvements to the natural habitat on the site.

Due to the existing zoning for the subject property being an expired PRD-CZD, any development proposal for this site requires a rezoning. Additionally, the request for PRD-CZD requires a conditional rezoning.

PROJECT/PETITIONER NUMBER:	P22-19-CZD
PETITIONER NAME:	Mike Washburn
ATTACHMENTS:	 Staff Report Proposed Site Plan/Sun Study
	 A roposed Site Flair/Sull Study Neighborhood Compatibility Meeting Summary
	4. Tree Board Summary
	5. Natural Resource Summary
	6. Draft Ordinance
	7. Proposed Zoning Map
	8. Application / Owner Addendum

<u>REZONING: CONDITIONAL ZONING DISTRICT</u> <u>- WASHBURN TRACT DEVELOPMENT (P22-19-CZD)</u> <u>CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT</u>

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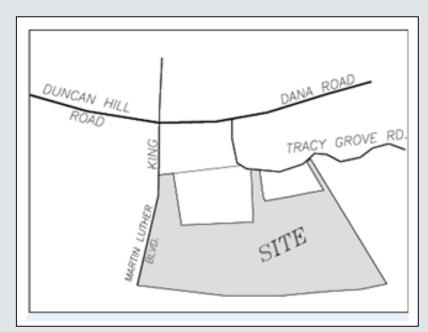
Page J

PROJECT SUMMARY

• Project Name & Case #:

• Washburn Tract Development

- P22-19-CZD
- Applicant & Property Owner:
 - Mike Washburn [Applicant]
 - Thomas Family [Owner]
- Property Address:
 240 Wilmont Drive
- Project Acreage:
 0 162.1 Acres
- Parcel Identification (PIN):
 9578-39-5229 & 9579-11-8417
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Future Land Use Designation:
 - Medium Intensity Neighborhood & Natural Resource/Agriculture
- Requested Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - o Multi-family Residential
 - o Single-family Residential
- Neighborhood Compatibility Meeting:
 - o March 18, 2022
- Previous Application (P21-68-CZD)
 - o Withdrawn on Feb. 14, 2022



SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a conditional rezoning from Mike Washburn (developer). The applicants are requesting to rezone the subject property located off Tracy Grove Road for the for the construction of a multi-family / single-family development consisting of 300 apartment units and 160 single family homes on approximately 162 acres with a density of 2.8 Units / Acre. No other uses are proposed to be permitted by the rezoning.

There are 13 apartment buildings proposed. The apartments are proposed to be 3-Story or 3/4-Story Split and consist of 270 - 1-to-2-bedroom units and 30 - 3-bedroom units. A clubhouse and pool are also features of the apartment development.

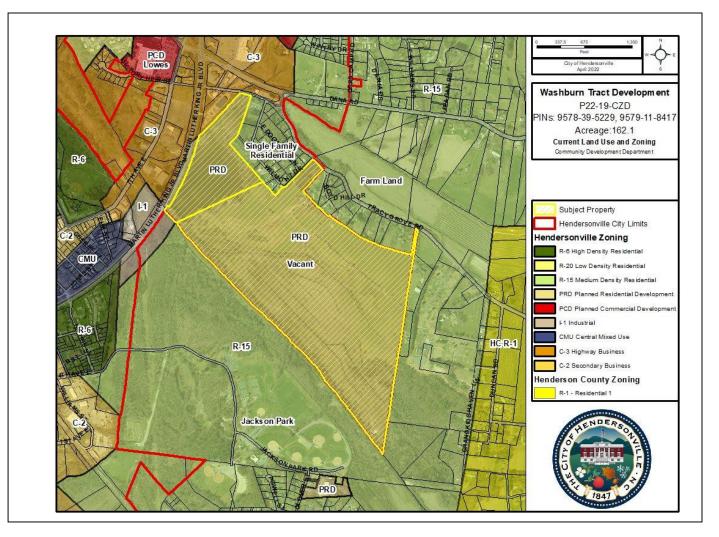
The single-family home lots are proposed to be 50'x100' (5,000 Sq Ft or .115 Acres). They feature a 20' wide driveway in front of the building area.

The project triggers a rezoning with PRD being a CZD district and as a result of the previously approved site-specific PRD zoning which is now expired for the site.

 ${\tt Page}\, 2$

24

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

Parcels to the north and northeast are zoned R-15 and consist of single-family homes which are located along Tracy Gove Rd, along with the Woodlawn neighborhood which is accessed off of Wilmont Dr and Dogwood Ln. There are three multi-family buildings (East Wind Apartments and 150 & 152 Wilmont Dr) adjacent to the site. The density of this area is 1.86 units per acre not including the multi-family use (number of units not known). The properties to the east are zoned R-15 and consist of long, narrow, single family home lots along with a 40-Acre cemetery that abuts a portion of the eastern boundary. The density permitted by R-15 equates to approx. 6 units/acre. To the southwest, the property is bordered by Jackson Park which is owned and operated by Henderson County. This area is primarily wetlands/floodplain associated with Bat Fork Creek and a series of drainage ditches. To the west the property abuts Martin Luther King Jr. Blvd (US 64). Commercial (C-3) zoning is located across US 64 from the site. There is a large pond consisting of approximately 16 acres on the western end of the subject property.



View looking north. Immediate foreground is proposed for single family with distant views of the knoll where multi-family is proposed.



Area proposed for single-family homes along eastern edge of property.

Page4



Area proposed to be developed for single-family homes (looking back towards Wilmont Drive; North)



Typical existing vegetated buffer in place between proposed site and adjacent single-family homes.

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Grove of trees around location of old home place slated for preservation in Open Space.



Wooded area which fronts Tracy Grove Rd and abuts Wilmont Dr is slated for development. Narrow strips on either side are slated for preservation.

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View of 16 Acre Pond/wetland (Ewbank Swamp) on the subject property and adjacent to Route 64.

Page 7

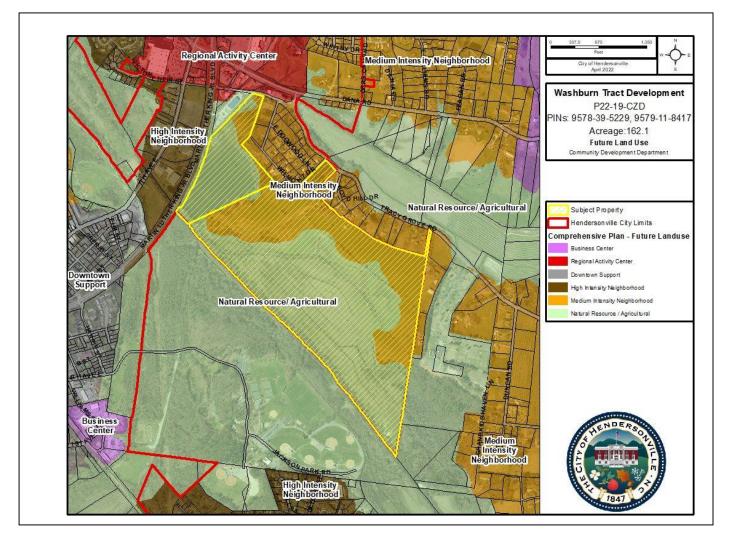
REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
2-7-08 (R-15 & C-3 to PRD-SU)	28.47 Acre development for skilled care, assisted living and independent living facilities, condos, and duplexes	Site Plan Expired
https://library.mu edaf Units / Buildings 305 Units (79 - 1- • 4 - 4-stor • 2 - 3-stor • 2 - 2-stor • 5 - 1-stor Circulation: • New entra trails/recr • Additional Parking: • Includes surfa • 429	y building y duplexes Ince off of Tracy Grove Rd (remainder of wooded ar	nal units)
 <u>Previously Approved Conditions (only those relevant to current proposal)</u>: I) City of Hendersonville Zoning Ordinance Section 17-3 Stream Buffer Protection Standards shall be applied to the entire perimeter of the marsh/pond area. 2) All living trees 12-in or greater in DBH shall be preserved and protected with the exception of those trees located with the proposed roadway areas that connects the project with Tracy Grove Road. 3) No sedimentation ponds shall be located within the 100 year floodplain. 4) The developer will pursue a conservation easement or mitigation program in accordance with the requirements of the City Attorney. 		



Page 8

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The majority of the site is designated Natural Resource/Agricultural due to the presence of a large floodplain/wetland area. The portion of the property not in the special flood hazard area (100-year floodplain) is designated as Medium Intensity Neighborhood, as are adjacent residential neighborhoods between the subject property and Tracey Grove Road.

Looking at surrounding properties you can see the prevalence of the floodplain (Bat Fork, Mud Creek & Devils Fork), Jackson Park and an adjacent cemetery in the large areas dedicated to Natural Resource/Agriculture on the future land use map. Looking to the border with Rte 64 and Dana Road you see Regional Activity Center and High Intensity Neighborhood designations near the site.

The primary access corridor to the site is via Tracey Grove Road which is designated a Minor Thoroughfare on the Future Land Use Map and further identified on the Transportation Plan for proposed improvements. No improvements to Tracey Grove Rd are included in the current 2020-2029 State Transportation Improvement Plan (STIP).

Page.

31

<u>REZONING ANALYSIS - COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)</u>

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY Goal LU-6 - Medium Intensity Neighborhood: Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods. Strategy LU-6.2 Primary Land Uses: Single Family attached and detached [CONSISTENT] Open Space [CONSISTENT] **Future Land Use** Strategy LU-6.3 Secondary Land Uses: Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [INCONSISTENT] • Planned Residential Developments [CONSISTENT] Strategy LU-6.4 Development Guidelines: 2 to 8 Units per gross acre [CONSISTENT] 2.8 Units/Acre proposed At least 60% Open Space [CONSISTENT] 86% Open Space proposed Development Framework: The project area is identified as a "development" opportunity" Growth Management: The portion of the property outside the floodplain is designated as a "Preservation/Enhancement Area" on the Growth Management Map (Map 8.3a). ... 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] Growth Management: The portion of the property in the floodplain is designated Land Use & Natural Resource/Agricultural, "... areas in which... preservation of environmentally Development sensitive features" should be promoted. [CONSISTENT] Goal LU-2 - Discourage development in areas needed for protection of natural and agricultural resources and protection of citizens from natural hazards. Strategy LU-2.1 - Implement strategies under Goal NR-1 for the preservation of environmentally sensitive areas. Strategy LU-2.2. - Implement strategies identified under Goal NR-4 for the preservation of agricultural resources

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GENERAL REZON	ING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY
	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 - 2.1 - Encourage variation in lot sizes and housing types within new
Population &	developments.
Housing	Strategy PH - 2.2 - Encourage provision of affordable housing units in new developments.
	Strategy PH-3.1 - Establish neighborhood design guidelines that promote safe walkable and bikeable neighborhoods while accommodating the automobile.
	Strategy PH-3.2 Encourage mixed land use patterns that place residents within walking distance of services.
	Goal NR-1Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.
	Strategy NR-1.1 - Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100 Floodplain.
	Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat.
	Strategy NR-1.3 Encourage restoration of natural habitat and drainage patterns in developed areas.
	NR-1.5 - Continuously assess development and preservation efforts within areas planned as Natural Resources/Agricultural on the Future Land Use Map (Map 8.3b in Chapter 8) based on their conservation value
Natural & Environmental	Goal NR-2 Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
Resources	Strategy NR-2.1 Encourage clustered development that preserves open space while allowing a return on investment.
	Strategy NR-2.2 Acquire or encourage acquisition of environmentally sensitive properties
	Strategy NR-2.3Promote preservation of woodlands
	Strategy NR-2.4 Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City's green infrastructure network.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
	Goal NR-4 Preserve Hendersonville's agricultural resources in order to maintain a rich heritage and promote locally-grown food. Map 3.3a identifies areas for which the Comprehensive Plan recommends preservation of agricultural uses [subject property not indicated at "Agricultural Land" on Map 3.3a]
Cultural & Historic	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Resources	·

Page 1

GENERAL REZONI	ING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY Strategy CF-6.1 - Encourage community open-space or play areas in new or redeveloped residential neighborhoods.	
Facilities	Strategy CF-7.2 - Preserve and expand the public greenway system as a means of connecting neighborhoods to parks and increasing recreational amenities and open space.	
Water Resources	Strategy WR-2.3 - Enable and encourage Low-Impact Development practices in stormwater management.	
Transportation &	Strategy TC 2.2 - Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system. TC-2.2.1 Pursue opportunities for greenway expansion along stream corridors and rail lines; TC-2.2.2 Design and locate new greenways so that the greenways provide a logical link to neighborhoodsparksand future regional greenways. Strategy TC-3.4 - Improve roadways as needed to implement the land use vision and meet	
Circulation	level of service requirements. TC-3.4.5 widen and improve existing roadways as indicated on Map 7.3a (includes Tracey Grove) See "Staff Site Plan Review" for transportation consultant's summary review of applicant's	
	traffic impact analysis (TIA).	

 $_{\rm Page} 12$

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 surrounding land uses are single-family neighborhood, rural farmland, one multi-family apartment complex, cemetery and vacant land.	
Changed Conditions	Whether and the extent to which there are changed conditions, trends orfacts that require an amendment -The existing site plan for the site has expired. Development in vicinity of US Hwy64 has continued to intensify and further commercial / multi-family development isanticipated. While on the edge of a significant commercial corridor, this arearemains primarily low-density single family residential.There is a continued need for housing in close proximity to goods and servicesand with walking connections to commercial nodes.	
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 - This project is proposing to be a mix of market rate rental units (300 units) owner-occupied single-family homes (161 units). Rental Housing - 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 3 years, the City of Hendersonville has approved 346 rental units (286 market rate / 60 affordable). An additional 792 (including this project) are seeking entitlements to construct rental housing. If all projects are approved, Hendersonville's recently-approved rental units would total 1,138. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 1,650 to 2,008-unit gap, exist for those income levels greater than 120% AMI. Owner-Housing - Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an owner "for sale" housing gap of between approximately 311 to 1,184 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 599 owner housing units (579 market rate / 20 affordable). This project (161 units) is the only project currently seeking entitlements for owner housing. If approved, Hendersonville's recently-approved owner units would total 759. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 311 to 1,184-unit gap, exist for those income levels greater than 120% AMI.	

 $_{\rm Page}13$

	The site does include several high-value and sensitive environmental resources. The projects clustering of development outside the floodplain and the developer's proposal to retore the wetlands and associated habitat do offer mitigation.
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 size of the project did trigger a Transportation Impact Analysis, our transportation consultant's assessment of the TIA is provided in the "Site Plan Review – Summary Comments" section of this report.
	The Water & Sewer department has received an availability request and has indicated there are adequate facilities in the area to serve the development.
	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
Effect on Natural Environment	Site is currently a greenfield, new development reflects a significant increase in impervious surfaces. However, 86% of the Site (139.4 Acres) would be preserved as Open Space. 80,000 Sq Ft (1.84 Acres) of the tract will be dedicated to the City for parkland. The developer is working with Conserving Carolina to mitigate impacts to the wetlands and make improvements to the natural habitat on the site.
	NC Wildlife Resources Commission's Green Growth Toolbox habitat assessment tool identifies multiple portions of the site associated with the floodplain as having some level of conservation value, giving high value to the Rte. 64/Ewbank Swamp. The project's proposal is to conserve all the floodplain on the site including the Ewbank Swamp.

 $_{\rm Page} 14$

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

The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4.

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 development would provide 300 "market-rate" rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- The development would provide 161 owner housing units. These units would help reduce the owner housing gap estimated to be between (-268) and 585 units that are needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- The addition of multi-family and single-family residential is in keeping with the surrounding land uses.
- The development is near the US 64 commercial corridor, an area of the city experiencing on-going development and redevelopment.
- The proposal to conserve, via a conservation easement, the floodplain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community.
- The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan. (NR-1 & LU-4)
- Greenway construction and ROW dedication adds to existing greenway network and aligns with specific goals established for greenways. (TC-2 & CF 7.2)

DRAFT [Rational for Denial]

• The comprehensive plan Medium Intensity Neighborhood does not recommend multifamily residential on Minor Throughfares (LU-6). Tracey Grove Rd is classified as a minor thoroughfare and is not recommended for intense development.

Section 5. Item A.

STAFF SITE PLAN REVIEW - SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- Site Plan Summary:
 - The site plan accompanying this petition contains the following provisions:
 - 300-Unit Apartment complex on approximately 14 Acres of the site
 - I3 3-Story / 3-4 Story Split Apartment Buildings
 - IO 9,420 Sq Ft Footprint
 - 3 12,370 Sq Ft Footprint
 - Pool and Clubhouse
 - 161 Single-Family detached homes on the remaining 32 acres (approx.) of developable (non-floodplain) land of the site
 - Total Density = 2.8 Units/Acre
 - Open Space = 139.4 Acres (86% of site)
 - Impervious Surface = 21.67 Acres (13.4% of site)
- Proposed Uses:
 - Residential, Multi-Family
 - Residential, Single-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - Dedication of a 50' greenway easement.
 - Preservation of 62.6% of on-site trees greater than 12" dbh.
 - Stream buffer standard around the edge of the wetland. This buffer is typically required from top of bank of blue line stream.
 - Developer Proposed Conditions:
 - Access I at the southeastern corner of the property be permitted as a full movement access but will not have the 45' of ROW as required by the Subdivision Ordinance.
 - Height limitation for the project be increased from the 35' to 46' in compliance with the standards established for building height in Section 5-14-6.5 of the Zoning Ordinance.
 - A sun study was submitted to provide support for a request to allow multi-family buildings to exceed 35'. The multi-family residential is proposed to be 46'. The proposal complies with criteria established for building height in association with PRD (5-14-6.5). City Council has the authority to grant this increase in heigh limit and it is included as a developer proposed condition.

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 Residential Development (5-14) and Site Plan Review (7-3) and the Subdivision Ordinance with the following exceptions:

Page L

- Site Plan does not include List of Conditions as requested. [resolved]
- The proposed second access as shown does not meet city standards for a 45' ROW. Developer has proposed a 30' ROW as an alternative. [see developer proposed condition]
- Per the subdivision ordinance, an exemption to the standard highlighted above may be granted under certain circumstances, including if a "TIA allows a deviation." We are awaiting the updated TIA review from the City's Transportation Consultant for a recommendation on this request.
- Per the Zoning Ordinance Section 5-14-3, Wilmont Drive or the southeastern entrance will have to be improved to City standards to meet the requirement that "access...shall be by means of a boulevard or thoroughfare (major or minor). [resolved]

Proposed City-Initiated Conditions:

o None

CITY ENGINEER

Site Plan Comments:

• None

Proposed City-Initiated Conditions:

o None

WATER / SEWER

Site Plan Comments:

None

Proposed City-Initiated Conditions:

None

FIRE MARSHAL

Site Plan Comments:

o None

Proposed City-Initiated Conditions:

• None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- $\circ~$ The site plan accompanying this petition increases onsite impervious services from less than a $1/_2$ acre of impervious surface to over 22 acres of impervious surface.
- Conceptual Stormwater treatment facilities meet the standards of the City's Stormwater Ordinance.
- \circ Due to the significant increase in impervious surface alongside the site's

proximity to valuable and sensitive natural resources, we do suggest some enhanced stormwater features to further protect and ensure the health of those resources.

Proposed City-Initiated Conditions:

- Enhance the Stormwater run-off system to treat and retain, at a minimum a 25year event. Treatment and retention are currently required for a 10-year event. [Developer Agrees]
- Utilize Low Impact Development practices through incorporation of bioretention ponds to retain and treat on-site stormwater (NR-3.2) [Developer Agrees]

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- The site includes over 100 acres of 100-year floodplain. No development is proposed within the floodplain.
- Proposed conservation and restoration efforts within the floodplain are permitted via state and local law and have the capacity to strengthen the function of the floodplain area.

Proposed City-Initiated Conditions:

- Provide details related to the provision of a Conservation Easement and/or Dedication of land to Conserving Carolina including commitment from Conserving Carolina as a note on the site plan [Developer Agrees]
- Provide details related to developer proposed restoration of on-site wetlands, delineating areas proposed for restoration on the site plan [Developer Agrees]

PUBLIC WORKS

Site Plan Comments:

o None

Proposed City-Initiated Conditions:

o None

NCDOT

- Site Plan Comments:
- None

Proposed City-Initiated Conditions:

o None

TRANSPORTATION CONSULTANT

Site Plan Comments:

 The proposed development is anticipated to generate 3,244 daily trips as per the International Transportation Engineer Trip Generation Manual, 10th Edition, thus triggering the Zoning Code 1,000 daily trip threshold (Section 6-

Page L

18). The City's Transportation Consultant (Jonathan Guy, Kimley Horn) provided the following feedback on the TIA submitted by the development team:

Based on a technical review of the revised TIA report as submitted, several elements of the report and analysis do not address comments provided by Kimley-Horn on January 3, 2022. These unaddressed comments are summarized in the bulleted list below, with the relative impact on the analysis results and recommendations noted in brackets. [Staff has provided the comments noted as moderate and high impact]

- The TIA recommends a new eastbound right-turn lane from Dana Road to Tracy Grove Road with 150 feet of storage. However, the maximum queue length observed in SimTraffic for this movement (per the revised analysis results) is approximately 200 feet. The recommended storage length should be extended to accommodate this queue. [Moderate Impact]
 - Latest Review Comment: This has been addressed in the updated TIA. In the comments it is noted that right of way needs to be provided by a party with eminent domain. The procurement of the necessary right of way for the improvement should be the responsibility of the developing party. Furthermore, economics relative to the cost born by a developer relative to an improvement should not be a factor by which an improvement is to be considered or not.
- Protected-permissive phasing is coded at the intersection of Dana Road/Duncan Hill Road with 7th Avenue under future conditions. Per NCDOT Congestion Management Capacity Analysis Guidelines, the westbound left-turn movement should be coded to operate with protected only phasing. The analysis should be updated or justification for deviating from the guidance otherwise provided within the report text. [Moderate Impact]
 - Latest Review Comment: The comment responses contained in the Appendix
 A, notes that this item has been addressed. A review of the analysis files
 contained in the Appendix B indicates that the coding of Dana Road/Duncan Hill
 Road at 7th Avenue for the WB left is still shown with Protected Permissive
 phasing. Furthermore, it is noted that slits (time for each phase) were modified
 between the Existing, Background, and Build scenarios for signalized intersections.
 Phasing splits should be maintained consistent between the background and build
 scenarios for accurate comparison to measure the impact of the development and
 determine the necessary mitigation. It is appropriate to show a change in splits
 between existing and background as it can be reasonably assumed that timings will
 change from current (existing) conditions.
- A protected northbound left-turn phase (Phase 5) is coded at the intersection of Duncan Hill Road with 7th Avenue under some scenarios, but the existing signal does not operate with this phasing per the signal plans included in Appendix D. Signal phasing should be adjusted in the analysis accordingly or justification for deviating from existing phasing should otherwise be provided within the report text. [Moderate Impact]
 - Latest Review Comment: The synchro files contained in the Appendix still show the NB left has been coded with protected + permissive phasing. The comment response in Appendix A indicates that this has been corrected. Per

Page]

Congestion Management guidelines dedicated left-turns at signalized intersection with a phase should be coded as protected only.

- The signal cycle length and splits differ between scenarios, making comparisons of delay and queue length more convoluted. The report text should clearly state that signal splits were optimized between scenarios and provide justification. [Moderate Impact]
 - Latest Review Comment: See note above. The cycle lengths are consistent, but the splits are varying between scenarios.
- The Turn Lane Warrants section of the TIA report examines the need for left-turn lanes at the site access points but does not explore the potential need for right-turn lanes. [High Impact]
 - Based on the proposed site trip distribution and the nomograph provided within the NCDOT Policy on Street and Driveway Access to North Carolina Highways, a right-turn lane is warranted at the intersection of Tracy Grove Road with Proposed Site Access I.
 - Right-turn lane warrants should be analyzed and included in revisions to the TIA report.
 - Latest Review Comment: Turn lane warrants were provided for Access I, but not for Wilmont Drive and Tracy Grove Road and Wilmont Drive and Access 2. Both of these are unsignalized and will have the presence of site traffic. Clarification on why these were not analyzed should be provided.
- Based on a technical review of the revised TIA as submitted, the additional comments presented herein should be addressed as appropriate. Most critically:
 - Existing protected-permissive signal phasing should be coded as protected-only phasing under future conditions at all applicable study intersections per NCDOT guidelines.
 - The northbound left-turn movement at the intersection of Duncan Hill Road with 7th Avenue should be modeled with permissive phasing under all scenarios based on the existing signal plans included in Appendix D.
 - The Turn Lane Warrants section of the TIA report examines the need for leftturn lanes at the site access points but does not explore the potential need for right-turn lanes.
 - Based on the proposed site trip distribution and the nomograph provided within the NCDOT Policy on Street and Driveway Access to North Carolina Highways, a right-turn lane is warranted at the intersection of Tracy Grove Road with Proposed Site Access I. [Clarification from Transportation Consultant needed to determine if this should be a recommended mitigation / condition].
 - Right-turn lane warrants should be analyzed and included in revisions to the TIA report.
- In review of the mitigation provided for the proposed development we recommend the following mitigation for the proposed development:
 - Construct a EB right turn lane on Dana Road with 200 feet of full width storage

Page Z (

and appropriate taper

- Modify the existing traffic signal at Dana Road and Tracey Grove Road to accommodate the addition of the EB right turn lane
- Construction of a NB left-turn lane at Access I with 150 feet of storage and appropriate tape

Proposed Conditions & Recommendations:

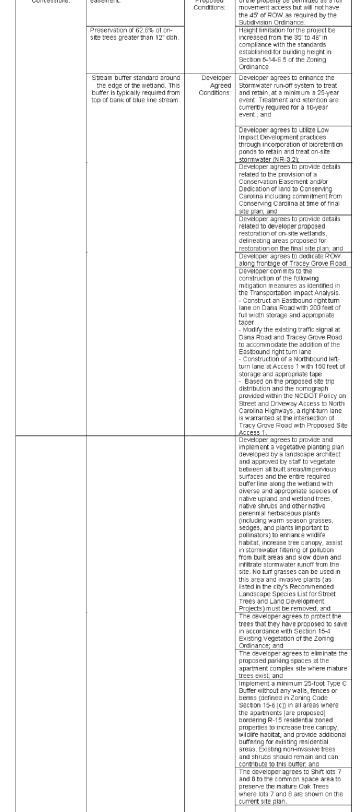
- Revise TIA based on comments from Kimley-Horn TIA Review dated April 21, 2022
- Dedicate ROW along frontage of Tracey Grove Road. [Developer Agrees]
- Commit to the construction of the following mitigation measures as identified in the Transportation Impact Analysis.
 - Construct a Eastbound right turn lane on Dana Road with 200 feet of full width storage and appropriate taper [Developer Agrees]
 - Modify the existing traffic signal at Dana Road and Tracey Grove Road to accommodate the addition of the Eastbound right turn lane [Developer Agrees]
 - Construction of a Northbound left-turn lane at Access I with 150 feet of storage and appropriate tape [Developer Agrees]
 - Based on the proposed site trip distribution and the nomograph provided within the NCDOT Policy on Street and Driveway Access to North Carolina Highways, a right-turn lane is warranted at the intersection of Tracy Grove Road with Proposed Site Access I.
 [Developer Agrees - Clarification from Transportation Consultant needed to determine if this should be a recommended mitigation / condition].

TREE BOARD

Site Plan Comments & Recommended Conditions:

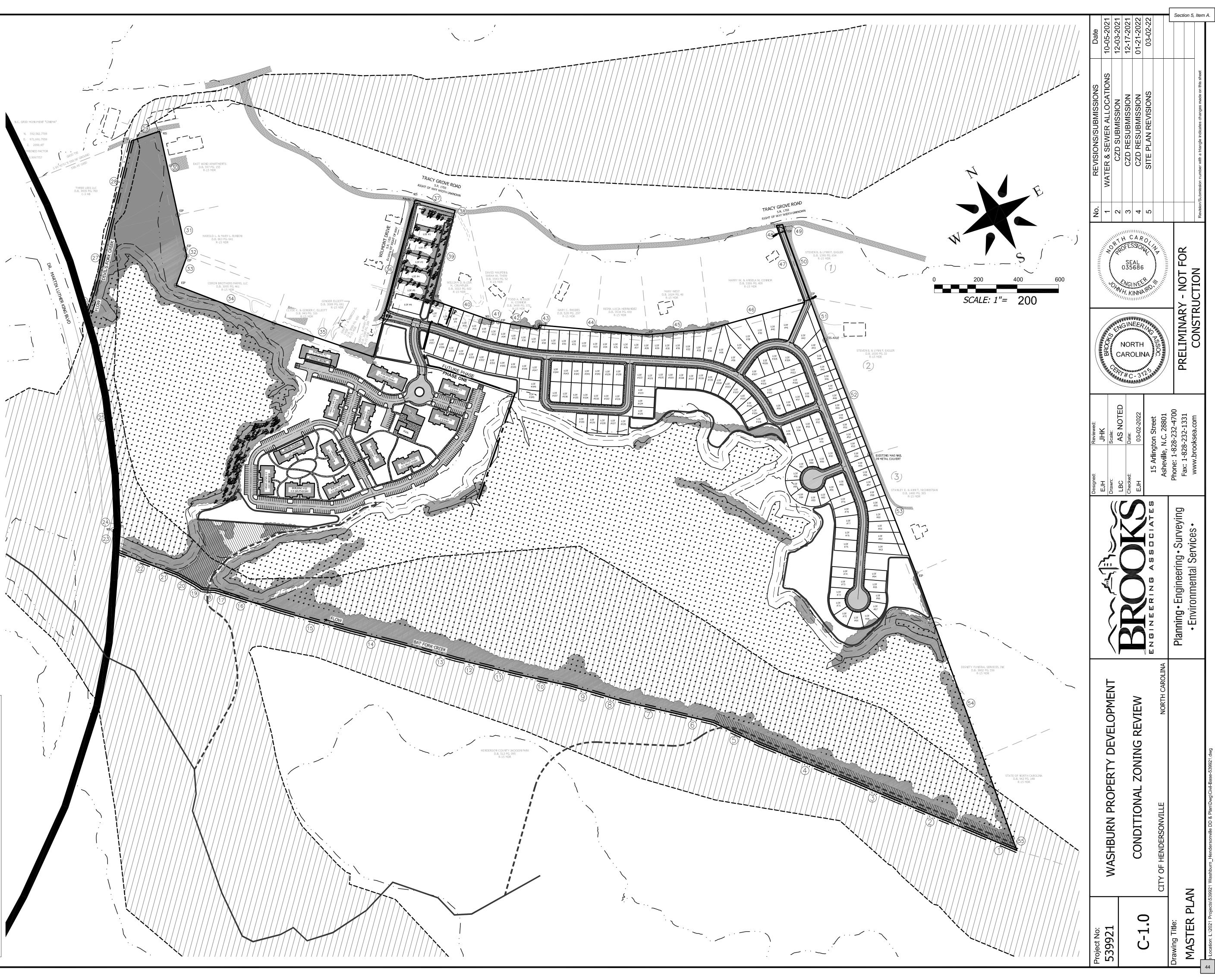
See attached Tree Board Summary

MASTER PLAN LEGEND
EXIST. STREAM BUFFER
EXIST. WETLAND
EXIST. FEMA NON-ENCROACHMENT FEMA FLOOD HAZARD AREA (1%) FEMA FLOOD HAZARD AREA (0.2%
EXIST. RIGHT DF WAY · EXIST. BUILDING SETBACK
EXIST. BUILDING
EXISTING SIDEWALK
EXISTING PAVEMENT
EXIST, CURB
NEW PROPERTY LINES
NEW RIGHT DF WAY
— — — MEW LANDSCAPE BUFFER
NEW COMMON OPEN SPACE
NEW BUILDING
NEW PAVEMENT
NEW HD PAVEMENT
NEW CONCRETE SIDEWALK
NEW GRAVEL
NEW CURB & GUTTER
NEW WALL (BY DTHERS)
Conditions: Developer Access 1 at the southeastern comer concessions: Developer easement. Access 1 at the southeastern comer proposed Access 1 at the southeastern comer
Conditions: movement access but will not have the 45' of ROW as required by the



DEVELOPMENT DATA

PROPERTY ADDRESS: 240 WILMONT DRIVE
HENDERSONVILLE, NC 28792
PIN NUMBER: 9578-39-5229 & 9579-11-8417
PROPERTY SIZE: 162.1 ACRES
ZONING REVIEW: CITY OF HENDERSONVILLE
EROSION CONTROL REVIEW: <u>HENDERSON COUNTY</u>
STORMWATER REVIEW: CITY OF HENDERSONVILLE
ZONING CLASSIFICATION: <u>PRD</u>
PROPOSED NUMBER OF UNITS: <u>457</u>
PROPOSED DENSITY: 2.8 UNITS PER ACRE
PROPERTY OWNERS: THOMAS, MARGARET S TRUSTEE; ROYCE
P THOMAS TRUST; THOMAS, MARGARET S; THOMAS,
CHARLES W TRUSTEE; THOMAS, DORA E TRUSTEE;
CHARLES W THOMAS AND DORA E THOMAS
ADDRESS: 5050 E ST. ANDREWS DR, TUCSON AZ 85718 &
830 4TH AVE. W, HENDERSONVILLE NC 28739
DEVELOPER: MIKE WASHBURN
ADDRESS: PO BOX 898
SULLIVANS ISLAND, SC 29842
EMAIL: EMWASHBURN@GMAIL.COM
PHONE: <u>843-343-3947</u> ENGINEER: BROOKS ENGINEERING
CONTACT: JOHN KINNAIRD
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: JKINNAIRD@BROOKSEA.COM
PHONE: <u>828-232-4700</u>
LANDSCAPE ARCH.: SITEWORK STUDIOS
CONTACT: ROBERT DULL
ADDRESS: <u>82 PATTON AVE. SUITE 700</u>
ASHEVILLE, NC 28801
EMAIL: RDULL@SITEWORKSTUDIOS.COM
PHONE: <u>828-674-5592</u>



SITE DEVELOPMENT PLANS FOR WASHBURN PROPERTY DEVELOPMENT



LANDSCAPE ARCHITECTURE 82 Patton Ave | Suite 700 | Asheville, NC 28801 828.225.4945 | siteworkstudios.com



PROPERTY OWNER: THOMAS, MARGARET S TRUSTEE; ROYCE P THOMAS TRUST; THOMAS, MARGARET S;THOMAS, CHARLES W TRUSTEE;THOMAS, DORA E TRUSTEE; CHARLES W THOMAS AND DORA E THOMAS 830 4TH AVE W – HENDERSONVILLE, NC 28739 5050 E SAINT ANDREWS DR. TUCSON, AZ 85718

DEVELOPER CONTACT: MIKE WASHBURN PO BOX 898 – SULLIVANS ISLAND, SC 29842 828.343.3947

LANDSCAPE ARCHITECT: ROB DULL, PLA SITEWORK STUDIOS, PLLC 82 PATTON AVENUE, SUITE 700 ASHEVILLE, NC 28801 828.225.4945

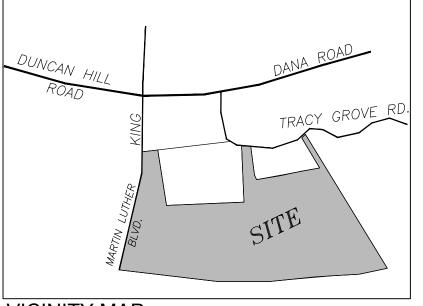
CIVIL ENGINEER: JOHN KINNAIRD, PE BROOKS ENGINEERING ASSOCIATES, PA **17 ARLINGTON STREET** ASHEVILLE, NC 28801 828.232.4700

SURVEYOR: WAGGONER & RHODES LAND SURVEYORS, INC. 545 OLD SPARTANBURG ROAD HENDERSONVILLE, NC 28792 828.693.1022

PREPARED FOR:

MIKE WASHBURN

REVISION #3 - 3/2/2022

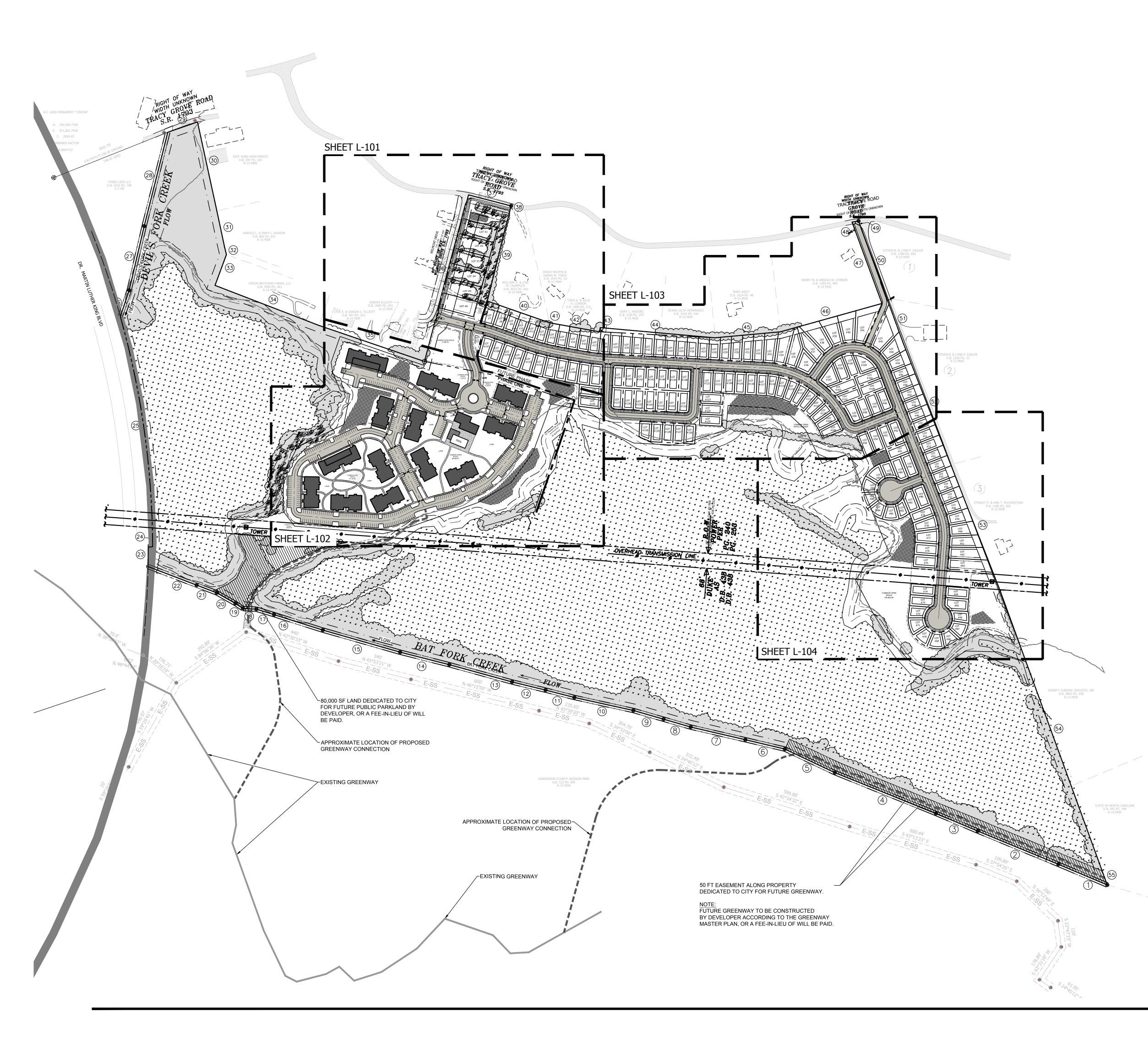


VICINITY MAP NTS

PROPERTY INFORMATION PROPERTY PIN: 9578-39-5229 SIZE OF PROPERTY: 161.47 AC

DRAWING INDEX

SHEET #	SHEET TITLE
C-2.0	OVERALL EXISTING CONDITIONS & TREE SURVEY
C-2.1	EXISTING CONDITIONS & TREE SURVEY
C-2.2	EXISTING CONDITIONS & TREE SURVEY
C-2.3	EXISTING CONDITIONS & TREE SURVEY
C-2.4	EXISTING CONDITIONS & TREE SURVEY
L-100	PRELIMINARY SITE PLAN REFERENCE SHEET
L-101	PRELIMINARY SITE PLAN
L-102	PRELIMINARY SITE PLAN
L-103	PRELIMINARY SITE PLAN
L-104	PRELIMINARY SITE PLAN
L-200	PRELIMINARY LANDSCAPE PLAN REFERENCE SHEET
L-201	PRELIMINARY LANDSCAPE PLAN
L-202	PRELIMINARY LANDSCAPE PLAN
L-203	PRELIMINARY LANDSCAPE PLAN
L-204	PRELIMINARY LANDSCAPE PLAN
L-600	SHADOW STUDY PLAN
L-601	SHADOW STUDY PLAN
C-5.0	OVERALL STORMWATER & UTILITY PLAN
C-5.1	STORMWATER & UTILITY PLAN
C-5.2	STORMWATER & UTILITY PLAN
C-5.3	STORMWATER & UTILITY PLAN
C-5.4	STORMWATER & UTILITY PLAN





ZONING: PIN: 9578-39-5229 0 SF (0 ACRES) 944,220 SF (21.67 AC) 13.4% OF SITE DENSITY:

MAXIMUM 20% ALLOWABLE SITE FOOTPRINT: 32.3 ACRES PROPOSED FOOTPRINT: 22.1 ACRES (13.7% OF SITE)

OPEN SPACE REQUIREMENT: MINIMUM 60% OF SITE TO BE OPEN SPACE: 98 ACRES PROPOSED OPEN SPACE: 139.4 ACRES (86% OF SITE)

COMMON OPEN SPACE: REQUIRED AT 500 SF PER APT. DWELLING UNIT: 150,000 SF (3.4 AC) REQUIRED AT 500 SF PER SINGLE FAMILY LOT: 80,000 SF (1.83 AC) PROPOSED COMMON OPEN SPACE: 528,850 SF (12.1 AC)

DEDICATION OF PUBLIC PARK AT 500 SF PER LOT = 80,000 SF GREENWAY DEDICATION AT 50FT WIDE GREENWAY EASEMENT

MIN. CONNECTIVITY INDEX FOR "OTHER DISTRICTS" ZONING = 1.40 PROPOSED CONNECTIVITY INDEX WITH 16LINKS/11NODES = 1.45

BUILDING COVERAGE = 451,958 SF / 10.4 AC (6.4% OF SITE) STREETS AND PARKING = 348,646 SF / 8 AC (4.9% OF SITE) SIDEWALKS = 160,718 SF / 3.7 AC (2.3% OF SITE)

TOTAL PROJECT AREA: 1,814,350 (41.7 ACRES)

SETBACKS:

MINIMUM 40 FT SETBACK FROM NEAREST ROW FROM ANY STREET. MINIMUM 30 FT SETBACK FROM ANY EXTERIOR PROPERTY LINE. MINIMUM 35 FT SETBACK FROM ROAD CENTERLINE.

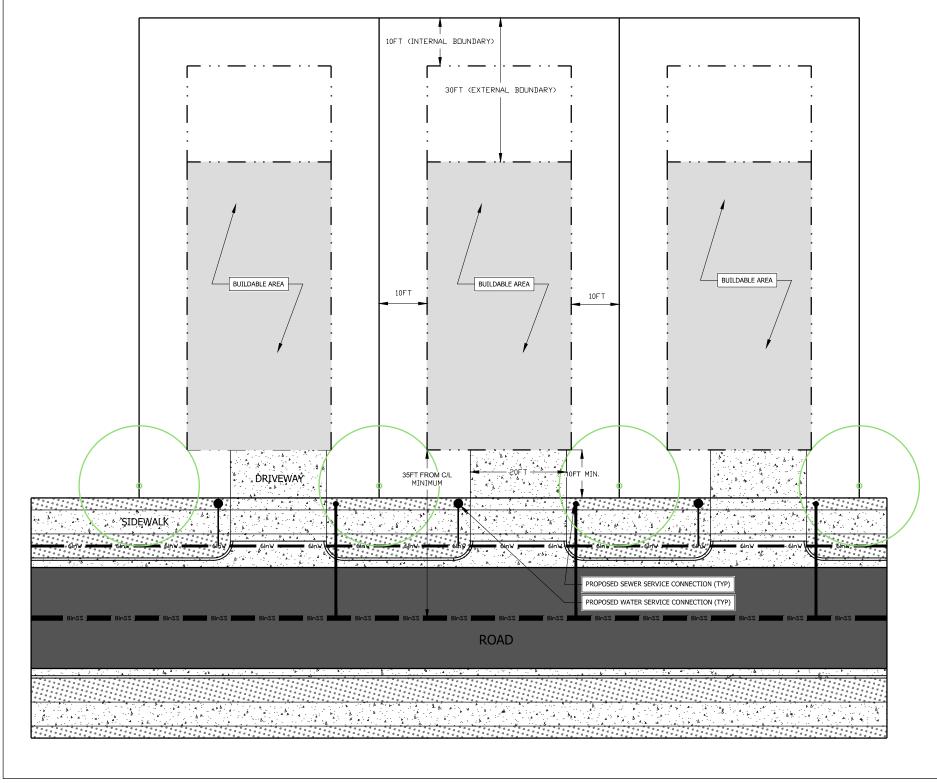
PROPOSED BUILDING HEIGHT: 46FT (HEIGHT LIMITATION EXEMPTION)

PARKING REQUIREMENTS:

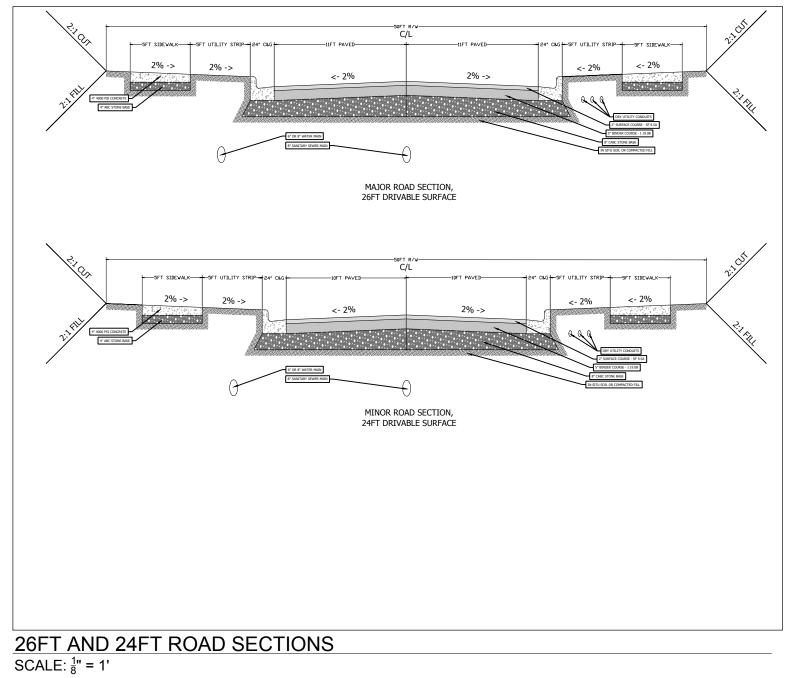
REQUIRED AT 1.5 SPACES PER 1-2 BEDROOM UNIT & 2 SPACES PER 3+ BEDROOM UNIT PROPOSED APARTMENT BUILDING UNITS: 270 UNITS (1-2 BEDROOMS) + 30 UNITS (3 BEDROOMS).

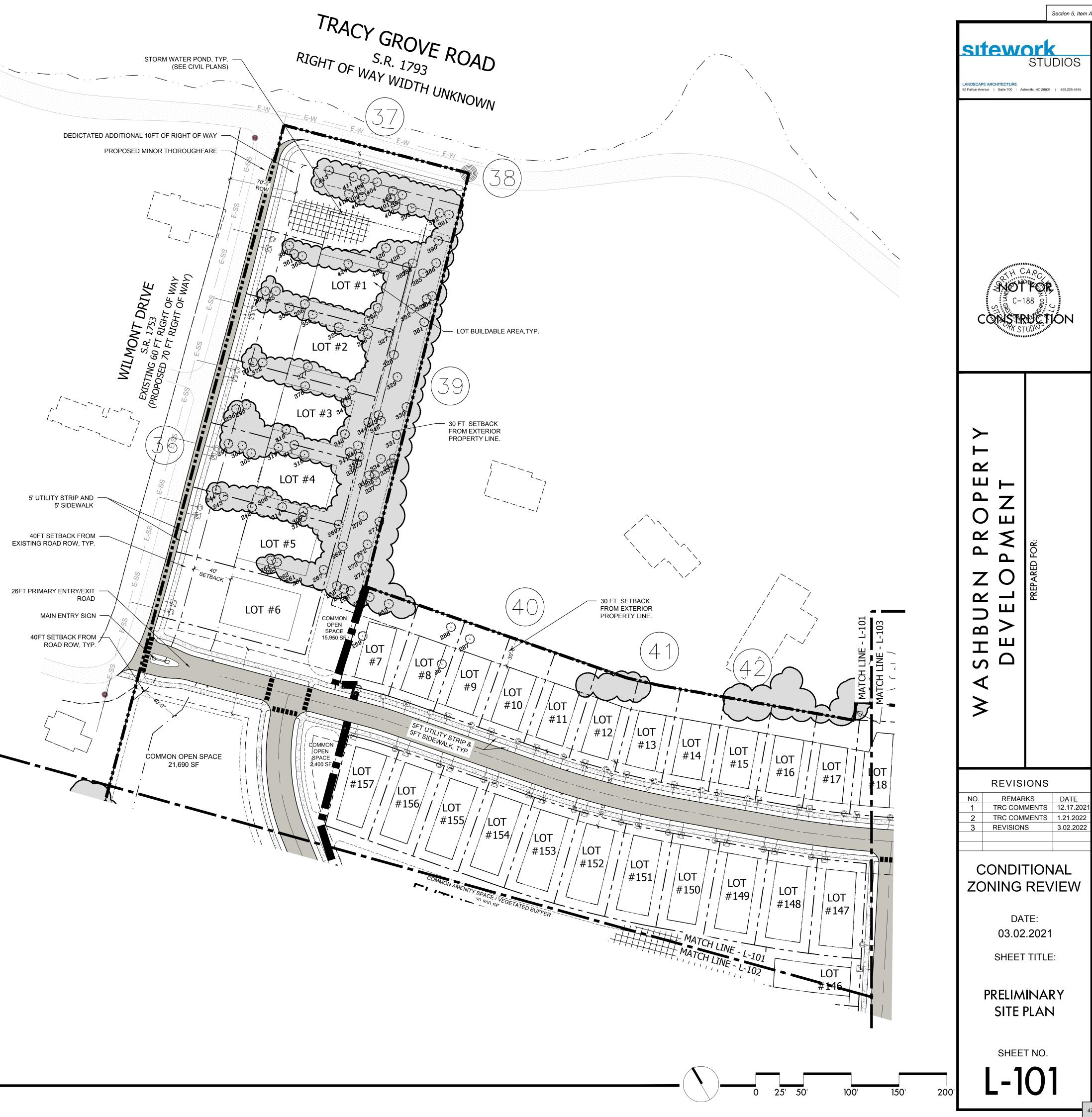
PROVIDED PARKING = 515 SPACES (INCLUDING 12 HC SPACES)

- NOTES: 1. ALL PROPOSED ENTRANCE AND EXIT POINTS SHALL FOLLOW THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S "POLICY
- 2. PROJECT SITE IS WITHIN THE HENDERSONVILLE CITY LIMITS.

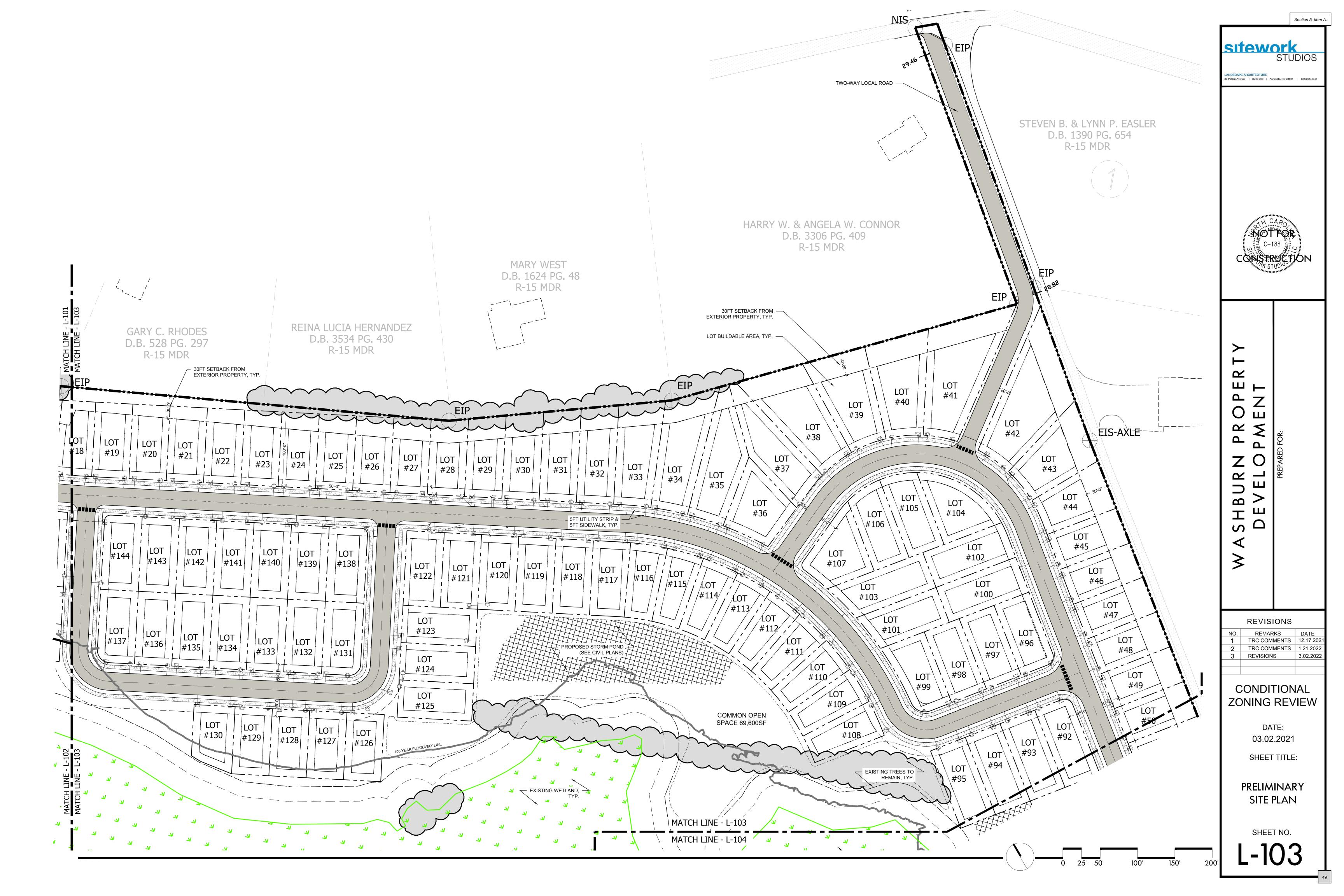


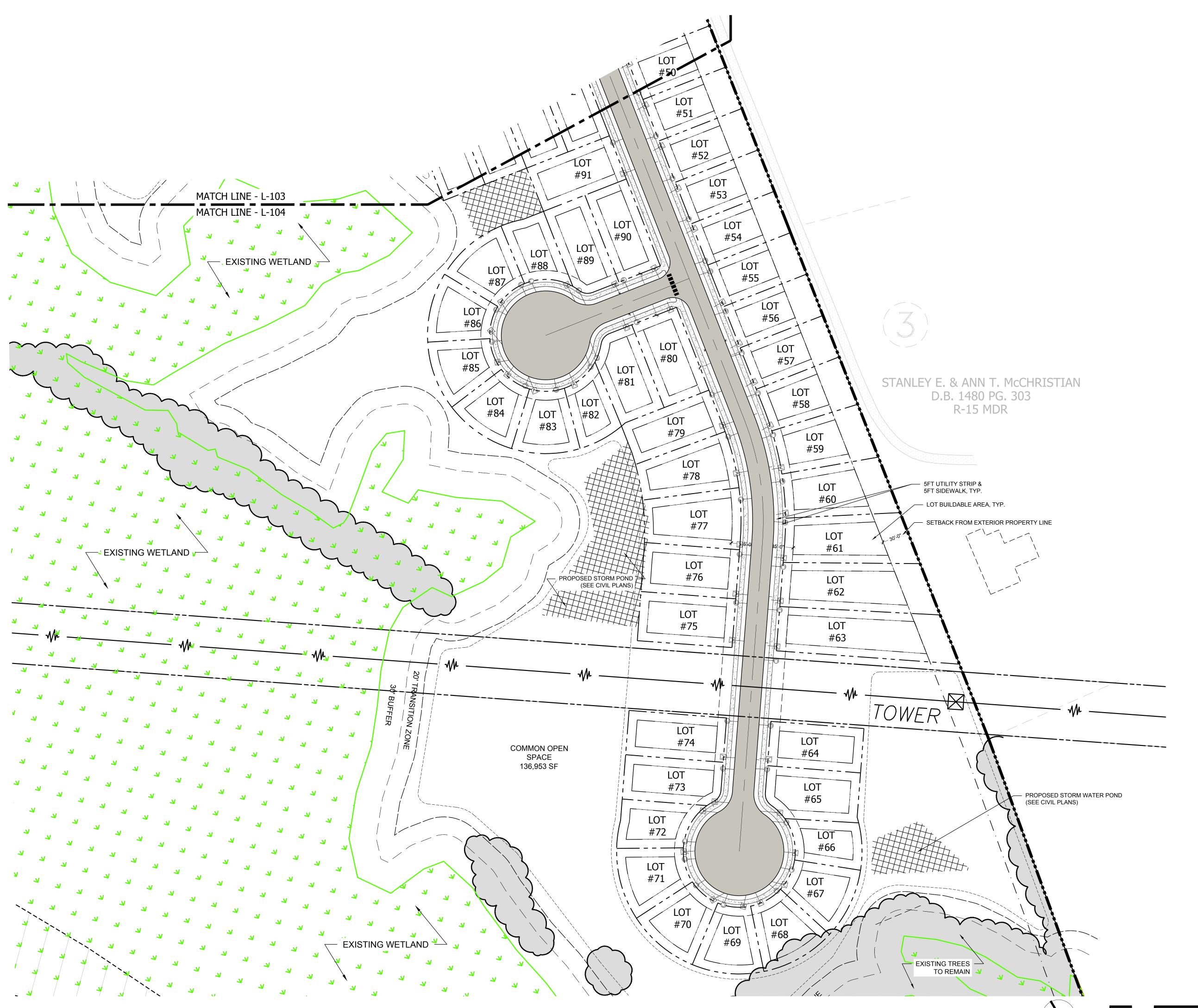
TYPICAL SINGLE FAMILY LOT LAYOUT SCALE: 1" = 10'

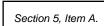


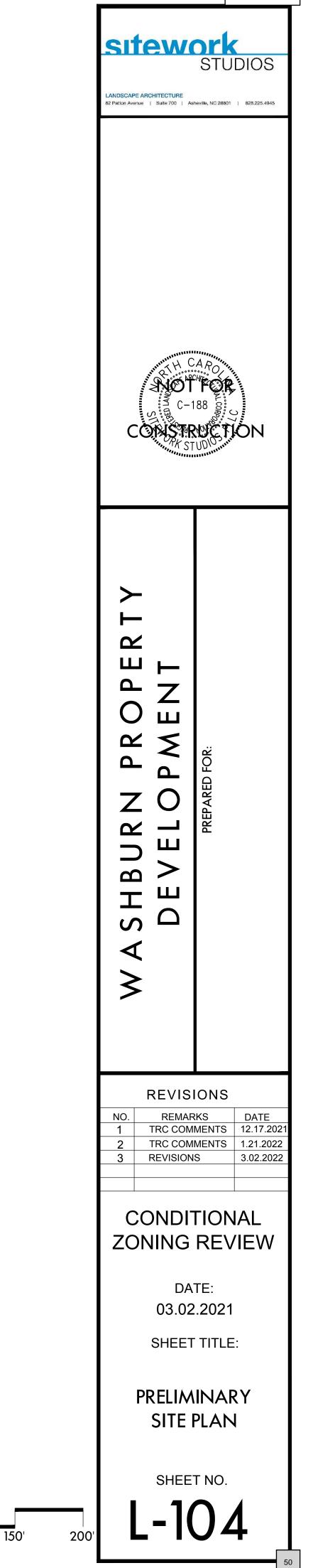






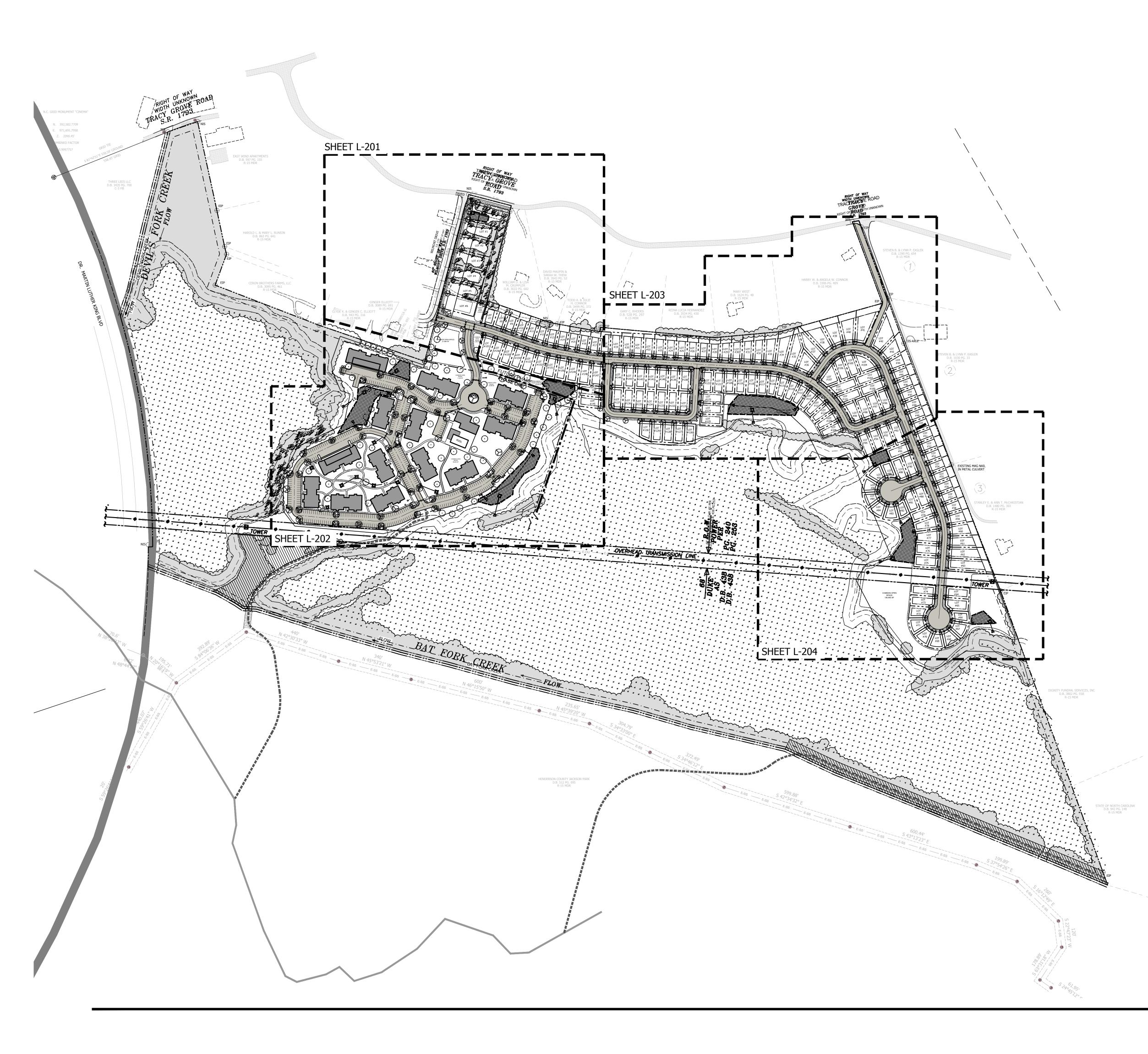


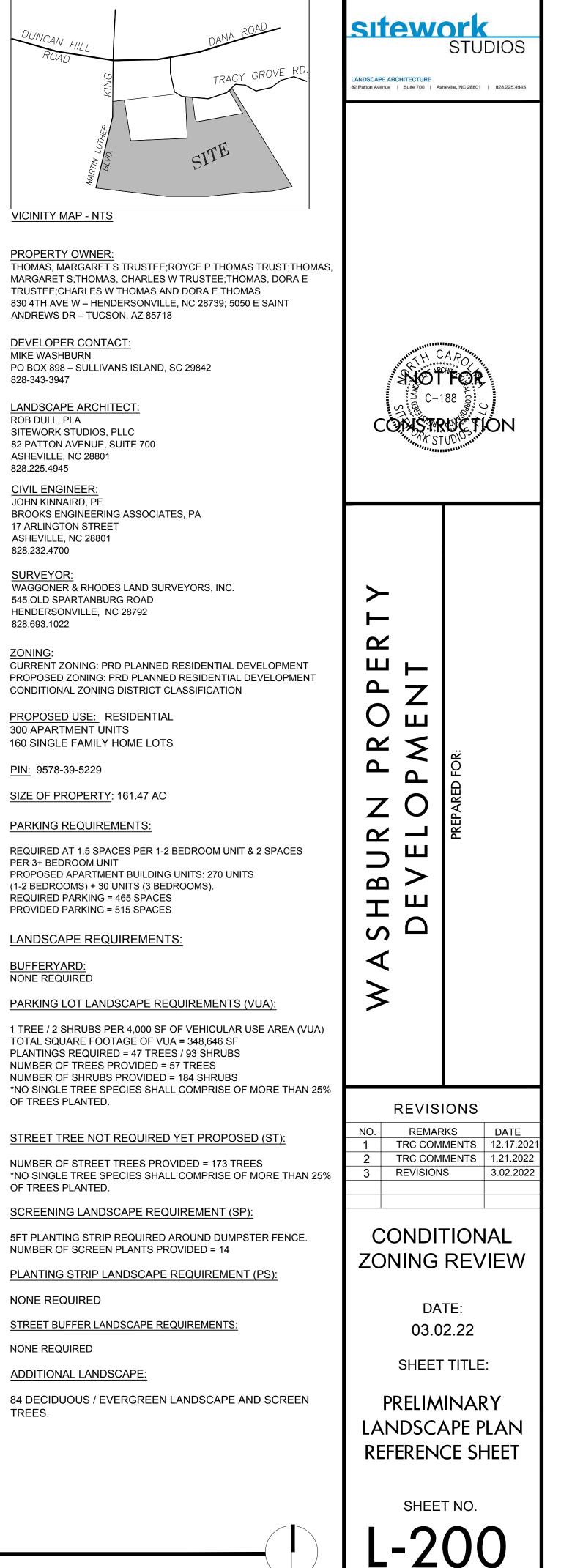




25' 50'

100'





SIZE OF PROPERTY: 161.47 AC

ZONING:

PARKING REQUIREMENTS:

PER 3+ BEDROOM UNIT PROPOSED APARTMENT BUILDING UNITS: 270 UNITS (1-2 BEDROOMS) + 30 UNITS (3 BEDROOMS). REQUIRED PARKING = 465 SPACES PROVIDED PARKING = 515 SPACES

LANDSCAPE REQUIREMENTS:

PARKING LOT LANDSCAPE REQUIREMENTS (VUA):

1 TREE / 2 SHRUBS PER 4,000 SF OF VEHICULAR USE AREA (VUA) TOTAL SQUARE FOOTAGE OF VUA = 348,646 SF PLANTINGS REQUIRED = 47 TREES / 93 SHRUBS NUMBER OF TREES PROVIDED = 57 TREES NUMBER OF SHRUBS PROVIDED = 184 SHRUBS *NO SINGLE TREE SPECIES SHALL COMPRISE OF MORE THAN 25%

STREET TREE NOT REQUIRED YET PROPOSED (ST):

*NO SINGLE TREE SPECIES SHALL COMPRISE OF MORE THAN 25% OF TREES PLANTED.

SCREENING LANDSCAPE REQUIREMENT (SP):

5FT PLANTING STRIP REQUIRED AROUND DUMPSTER FENCE. NUMBER OF SCREEN PLANTS PROVIDED = 14

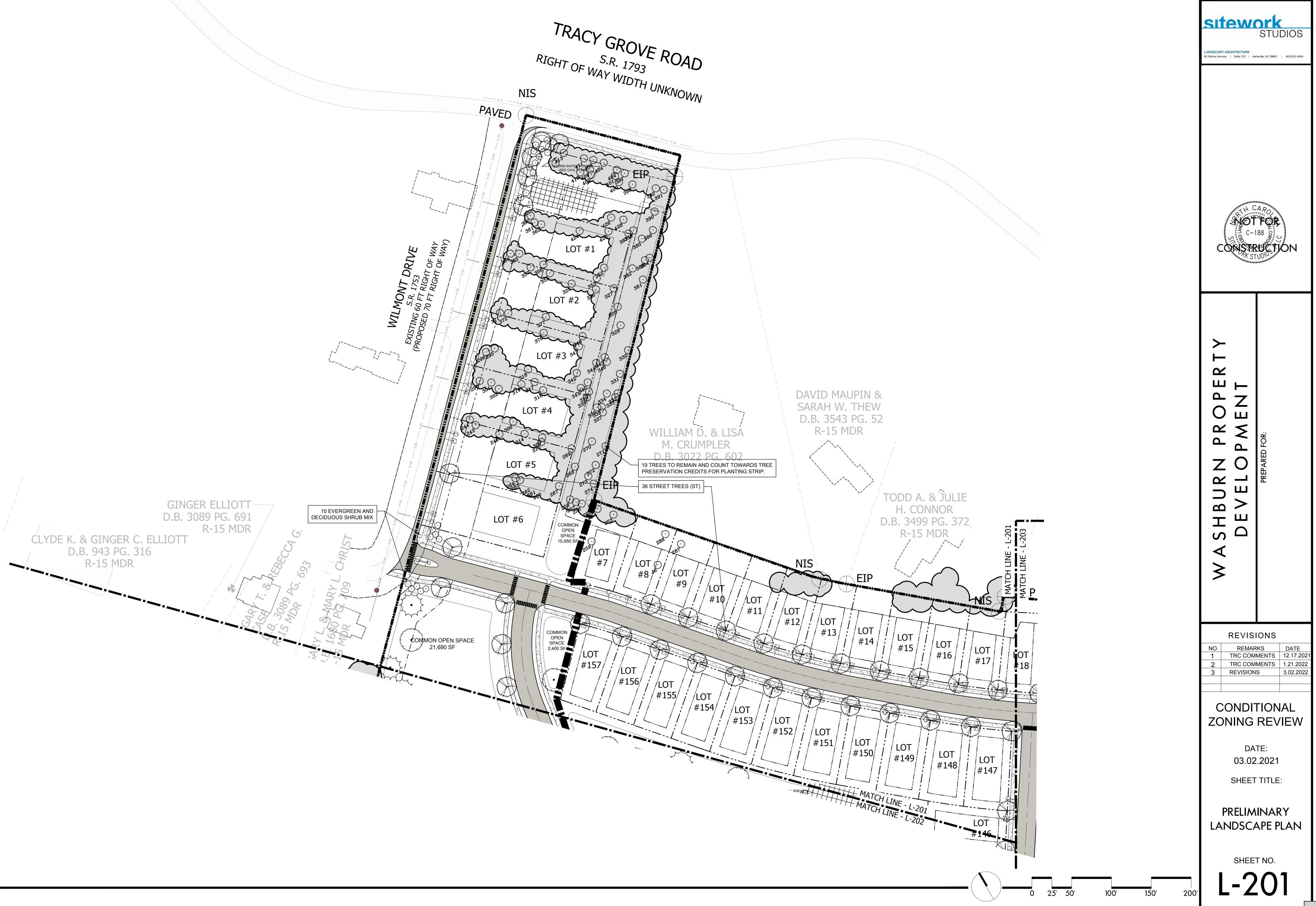
NONE REQUIRED

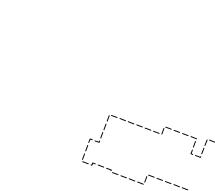
STREET BUFFER LANDSCAPE REQUIREMENTS:

NONE REQUIRED

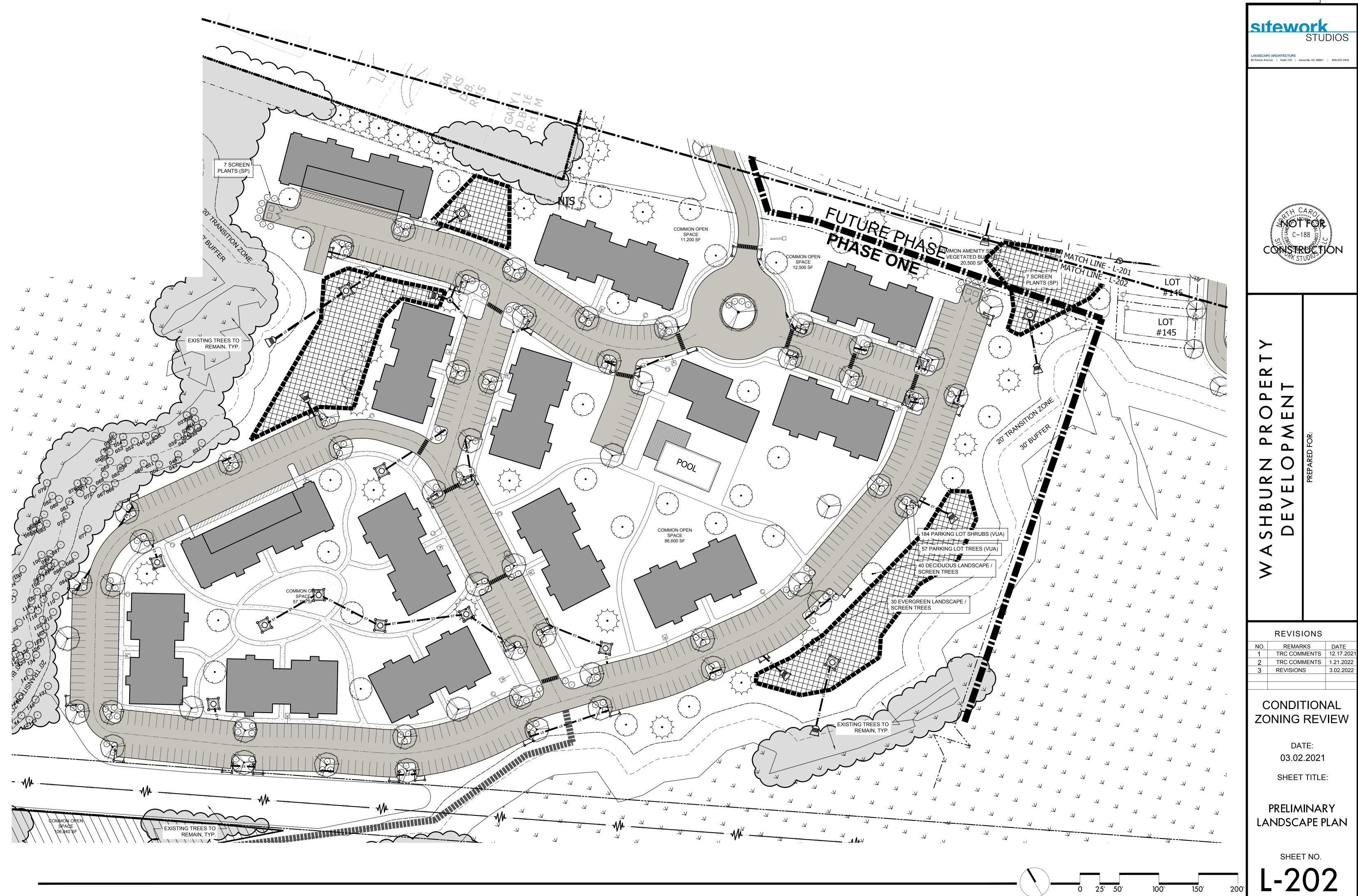
ADDITIONAL LANDSCAPE:

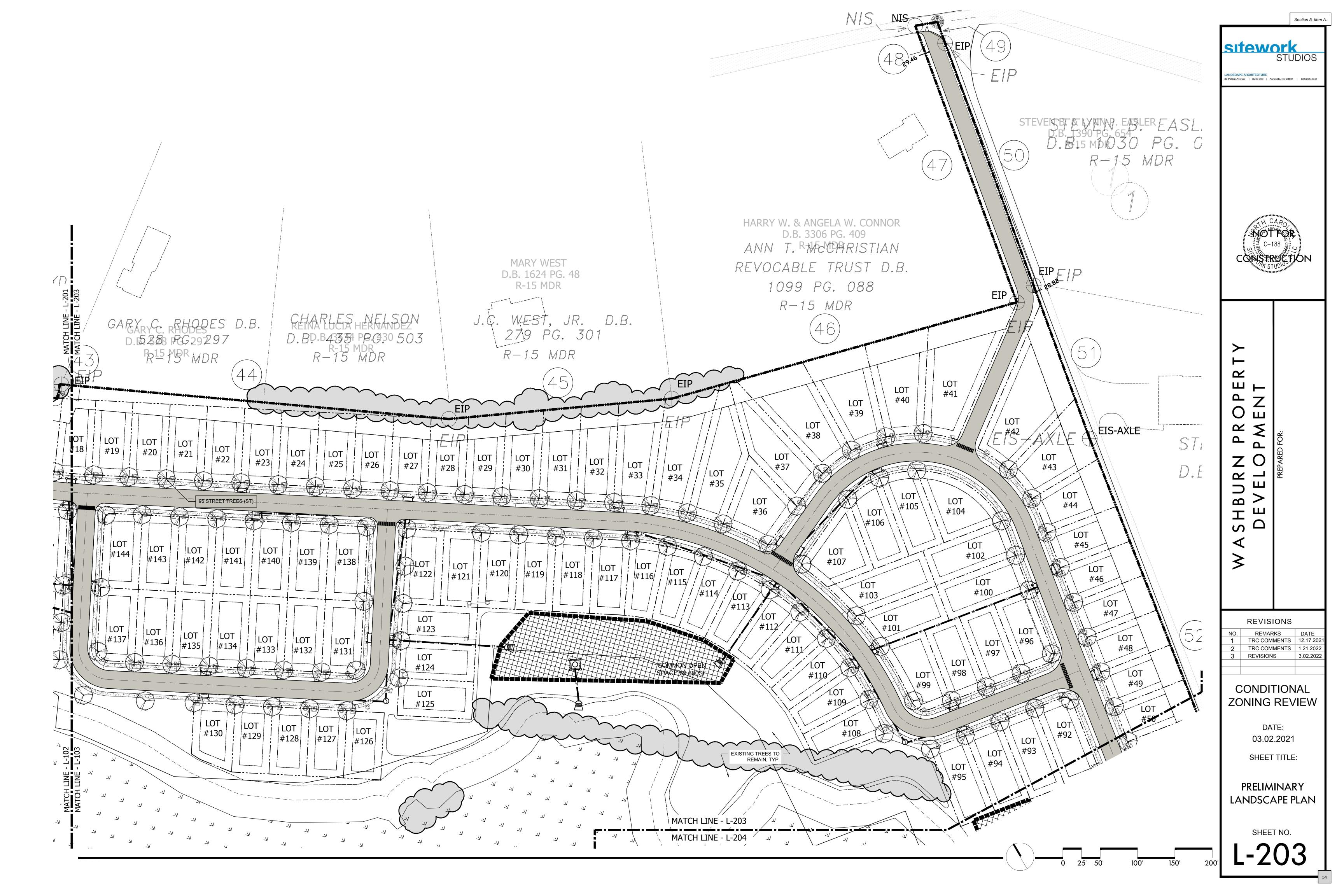
84 DECIDUOUS / EVERGREEN LANDSCAPE AND SCREEN TREES.



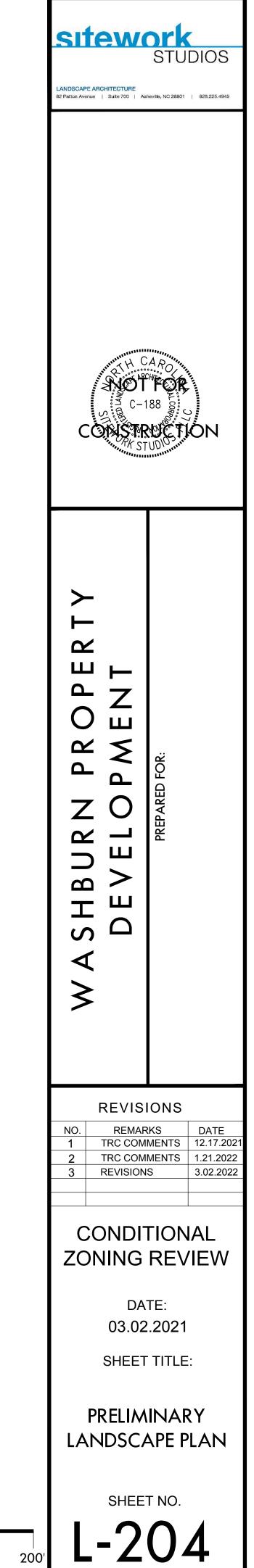


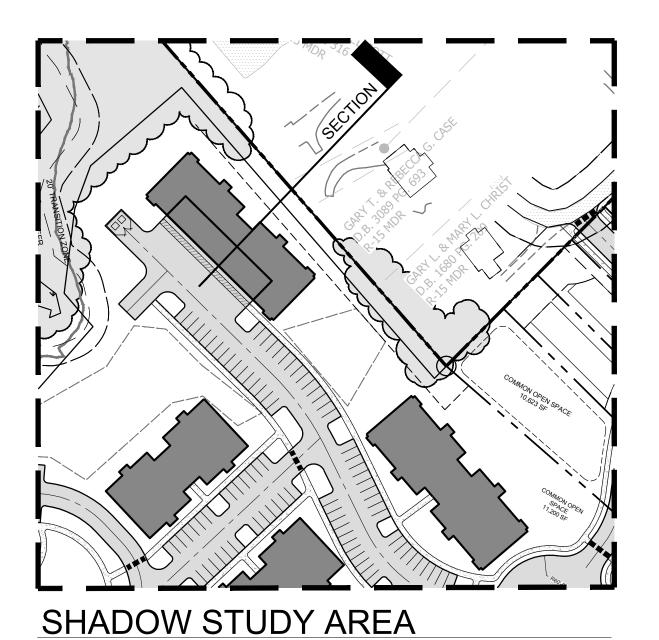
Section 5, Item A.



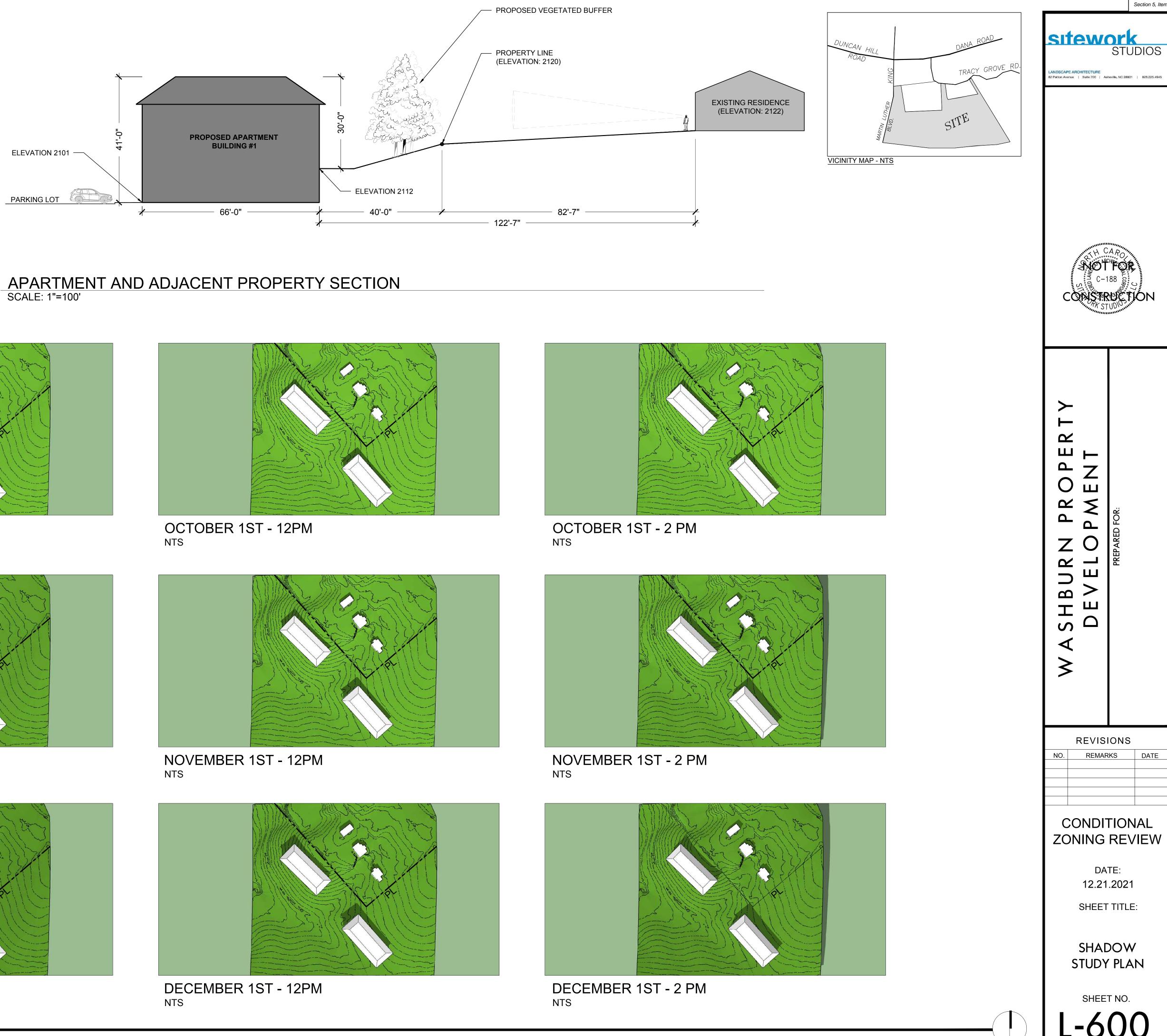






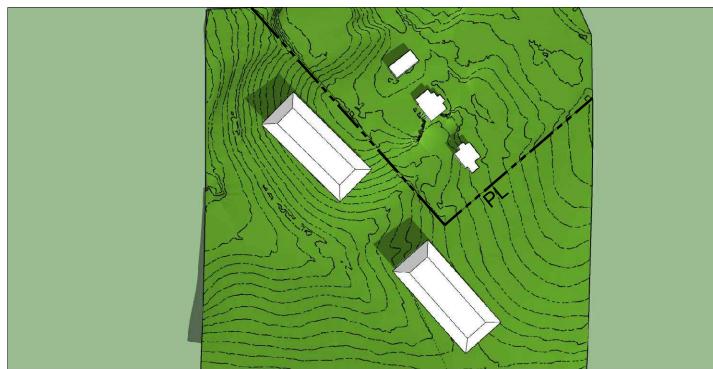


SCALE: 1"=100'





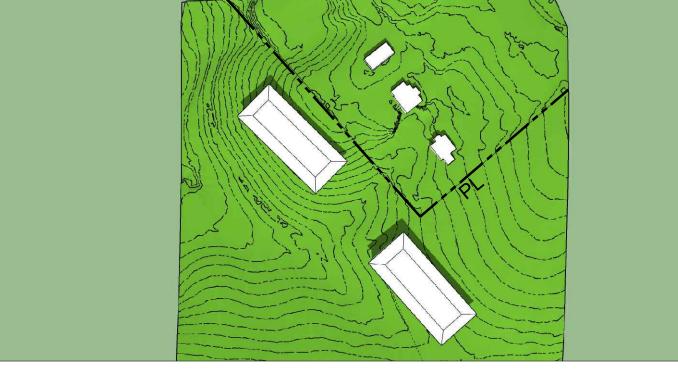
OCTOBER 1ST - 10AM NTS

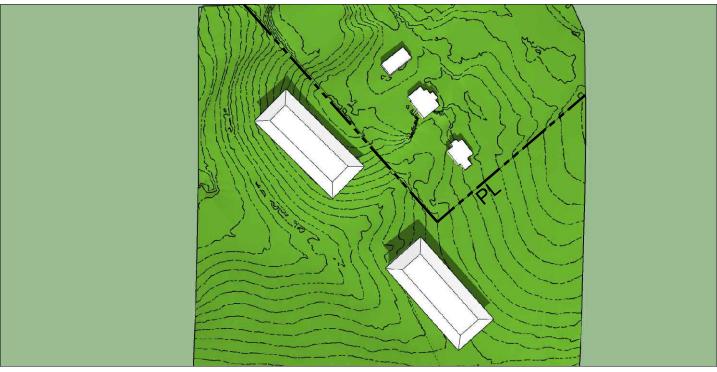


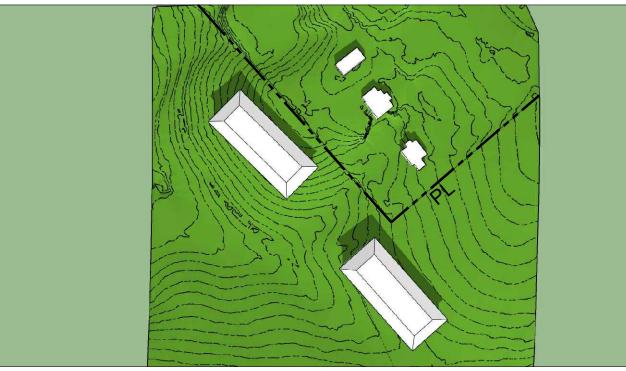
NOVEMBER 1ST - 10AM NTS

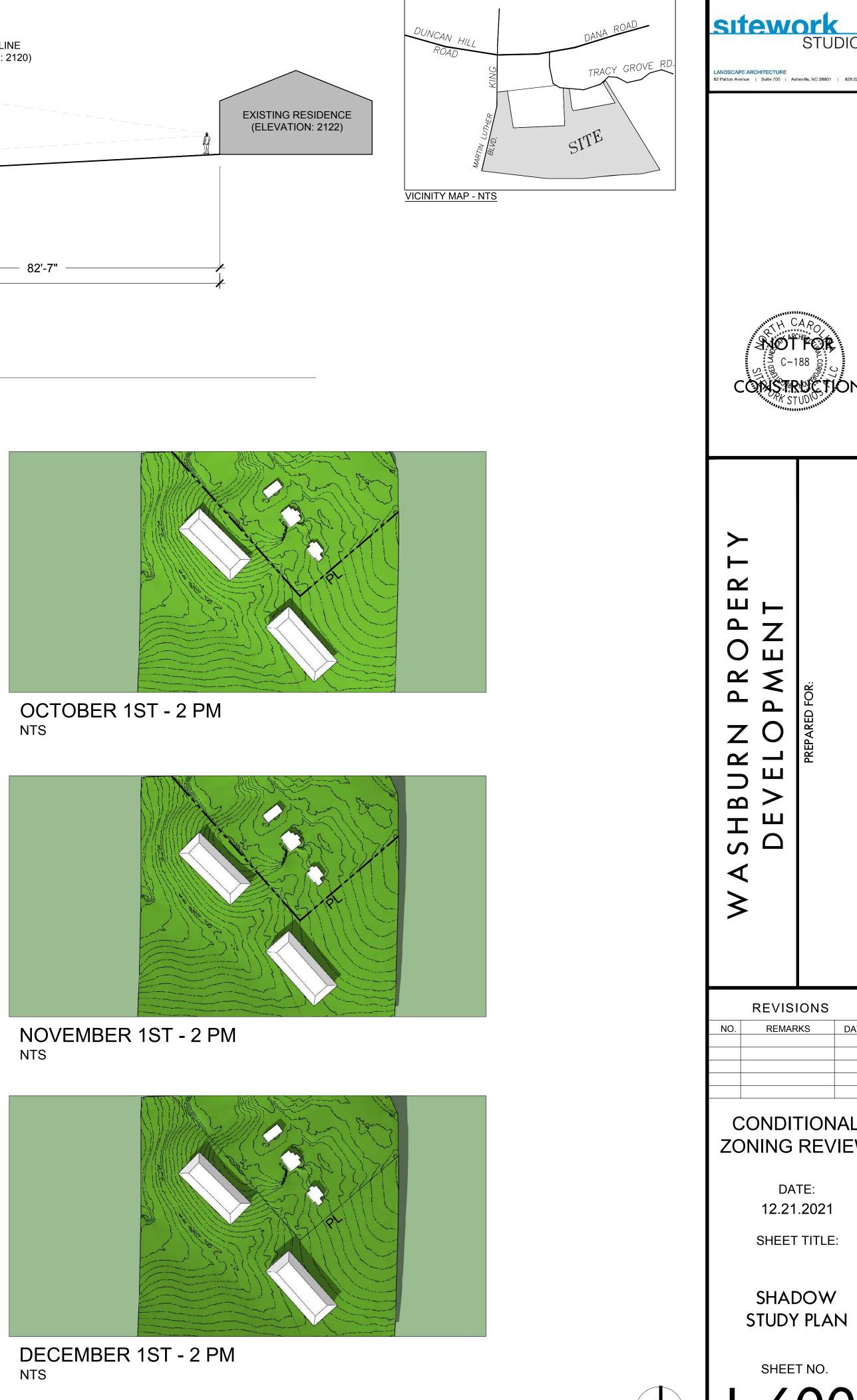


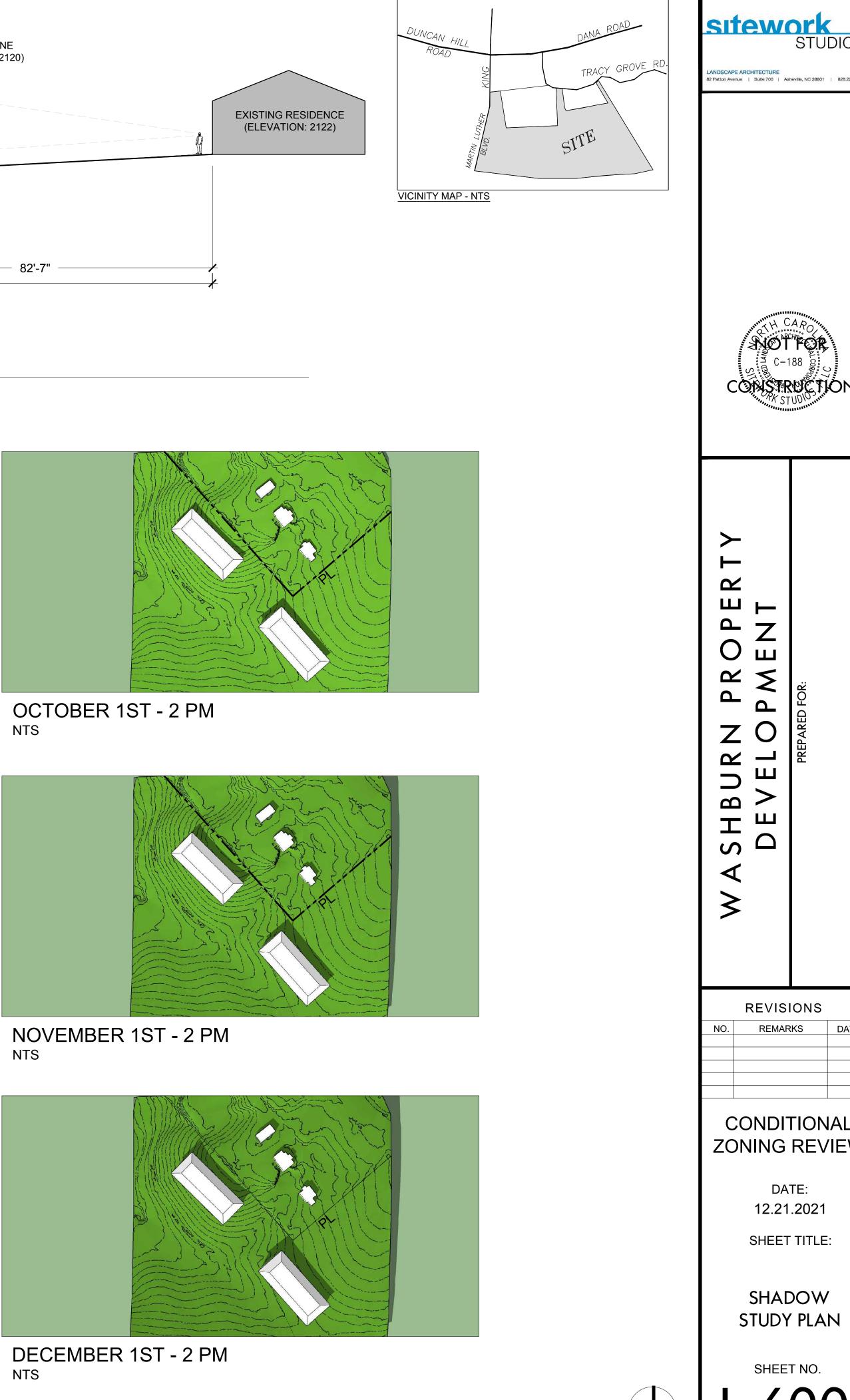
DECEMBER 1ST - 10AM NTS

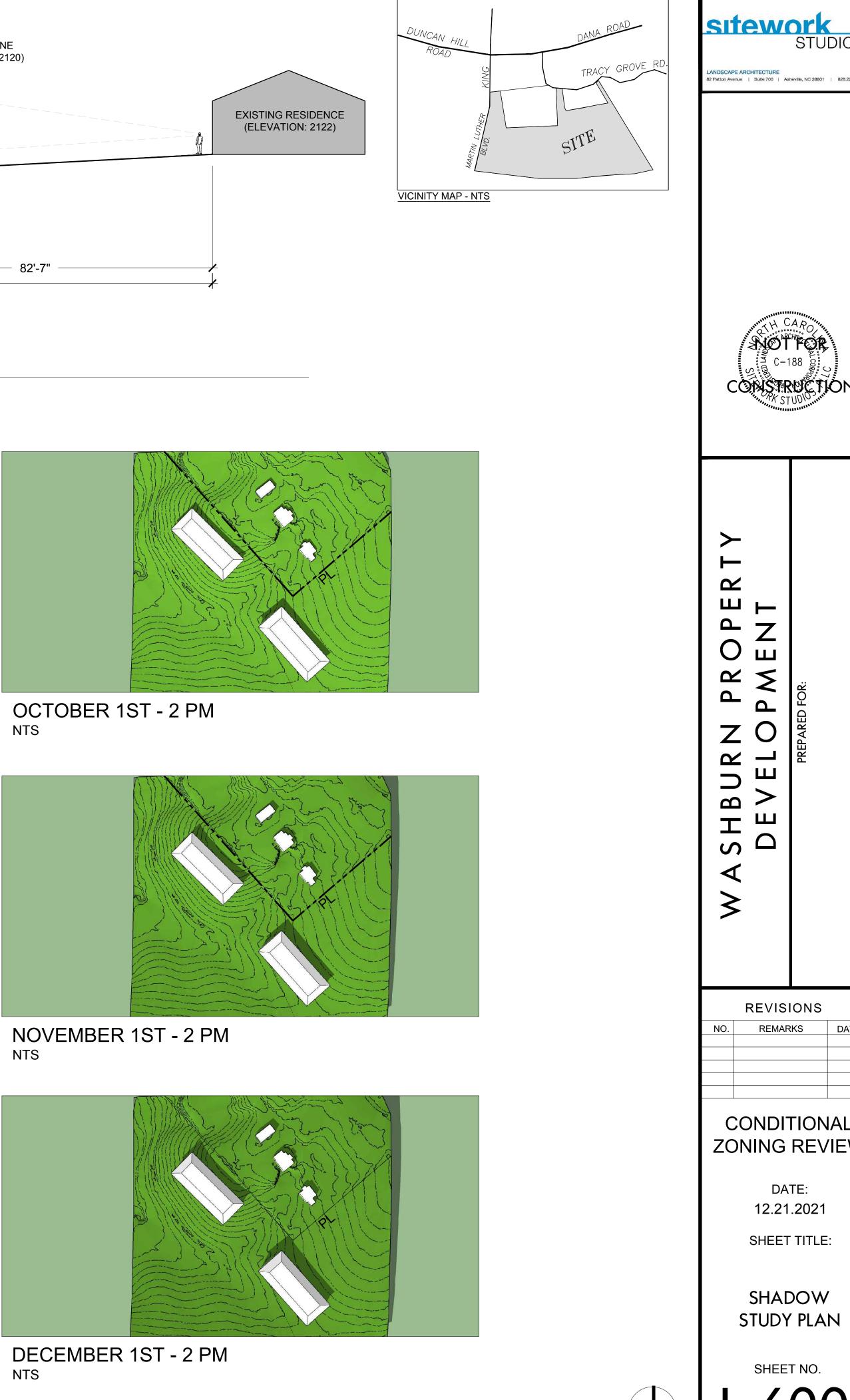




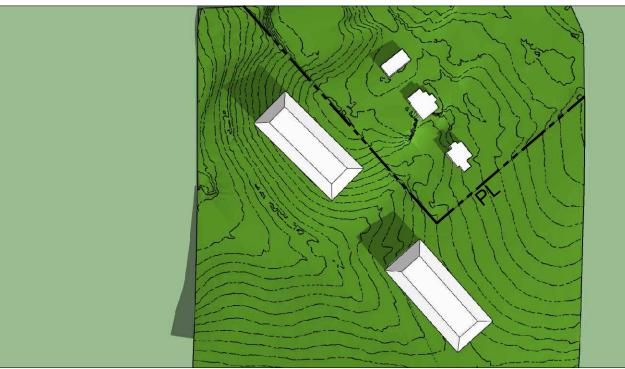












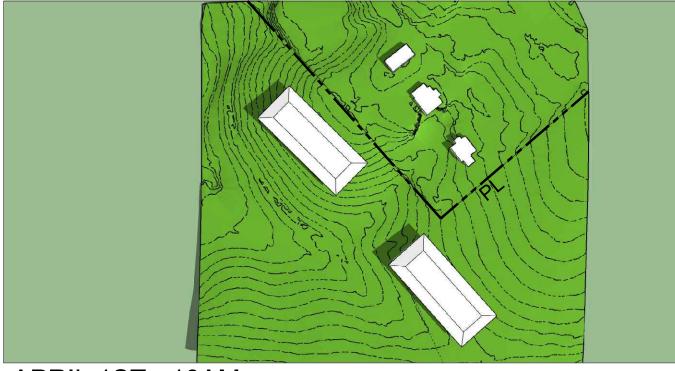
JANUARY 1ST - 10AM



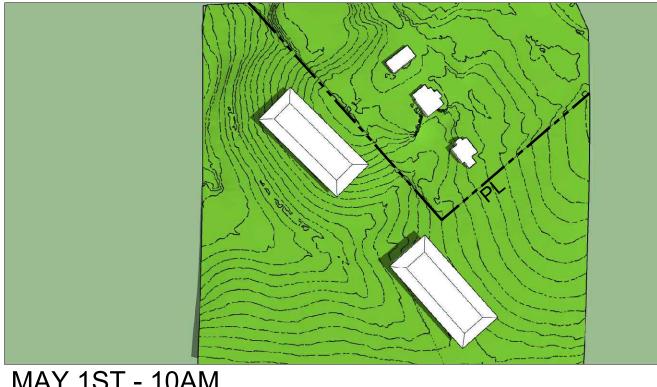
FEBRUARY 1ST - 10AM



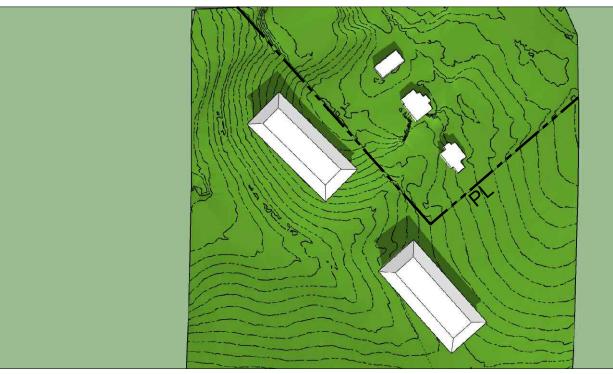
MARCH 1ST - 10AM



APRIL 1ST - 10AM

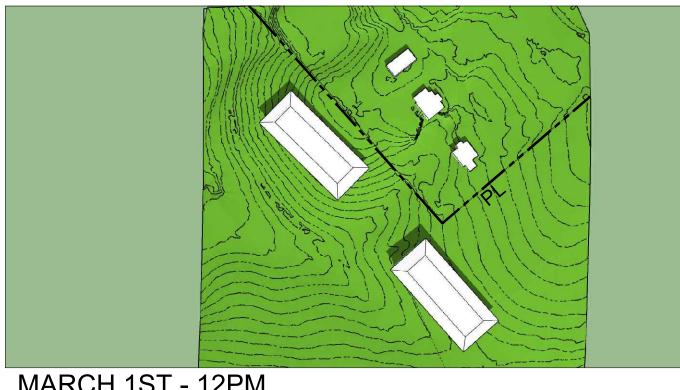


MAY 1ST - 10AM

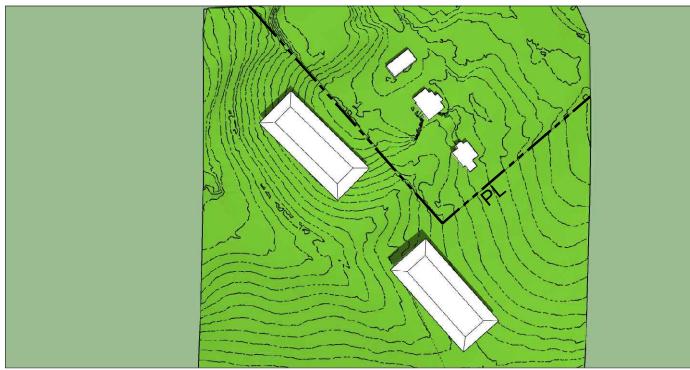


JANUARY 1ST - 12PM



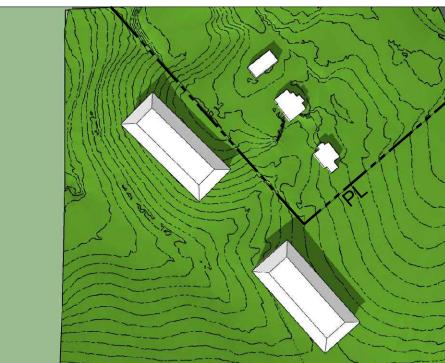


MARCH 1ST - 12PM NTS

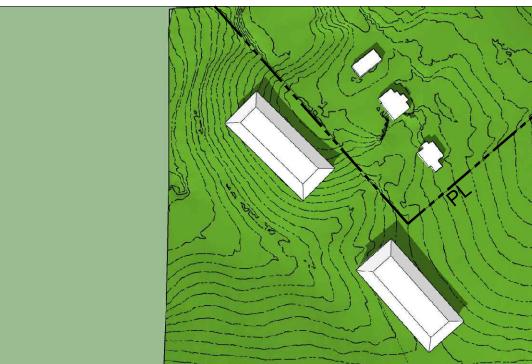


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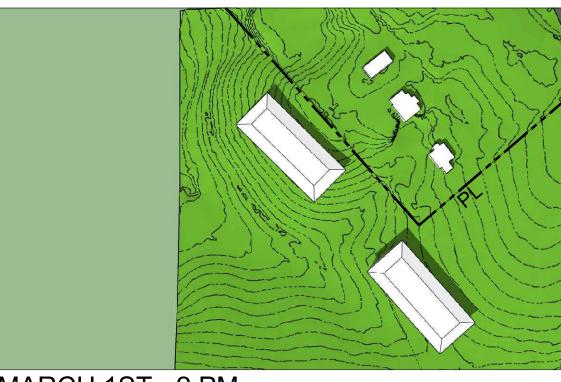




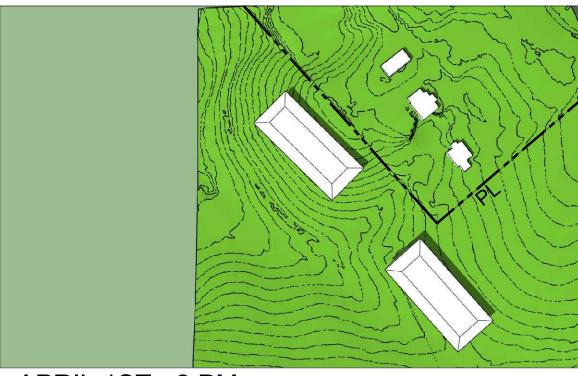
JANUARY 1ST - 2 PM NTS



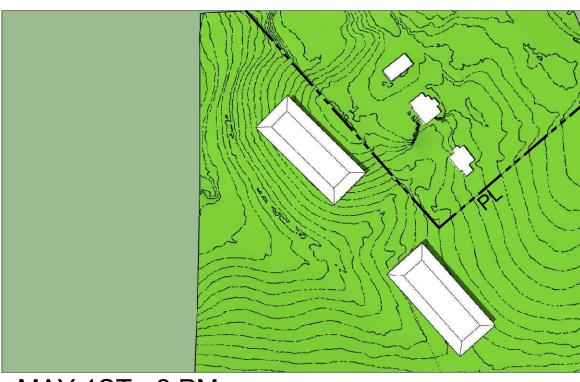
FEBRUARY 1ST - 2 PM NTS



MARCH 1ST - 2 PM





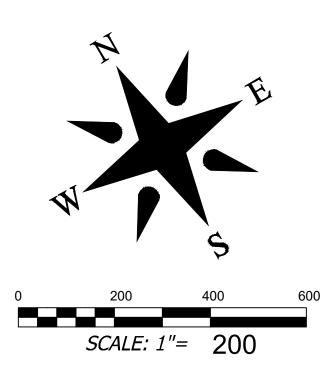


MAY 1ST - 2 PM

Section 5, Item A.

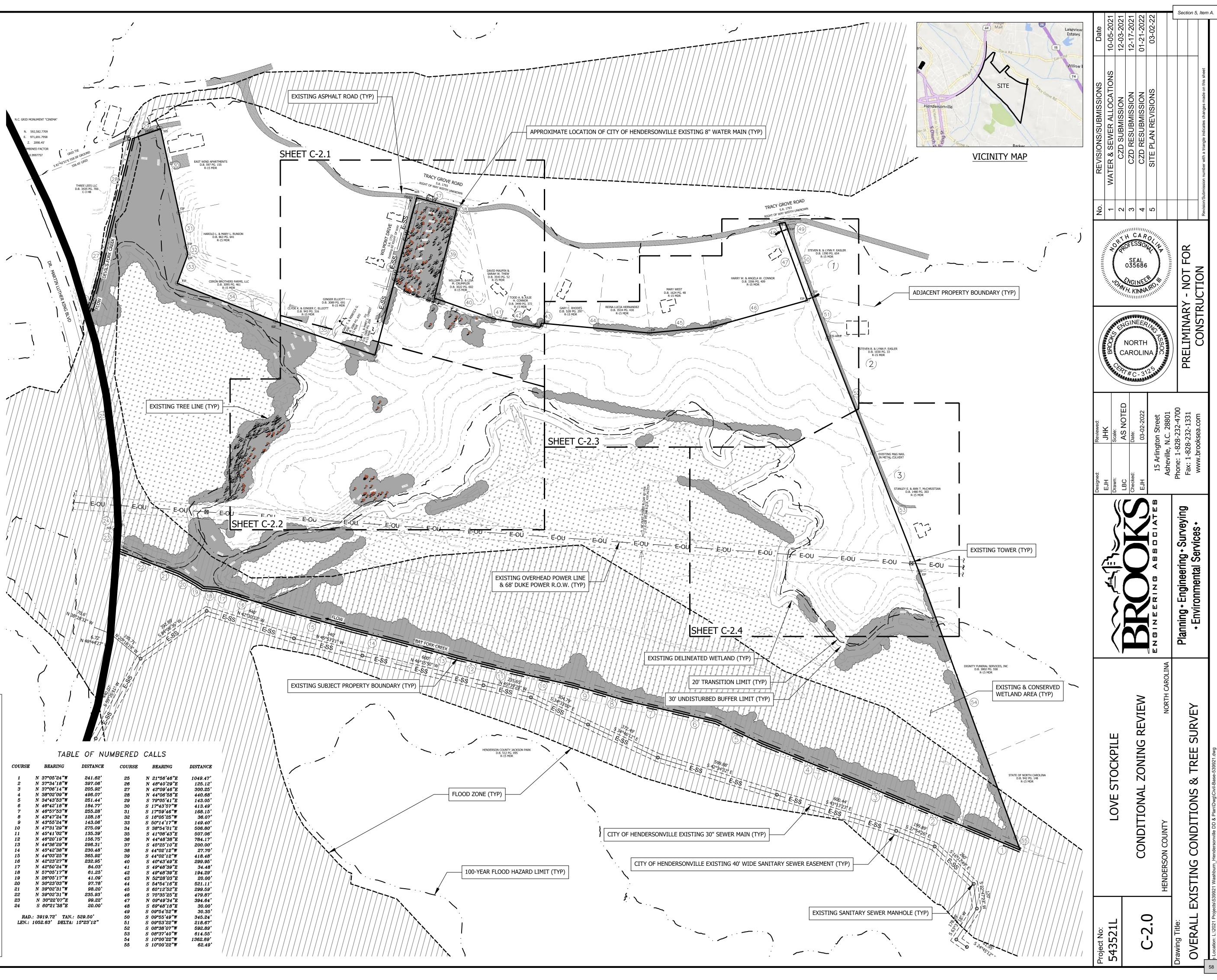


EXIST. CONDITIONS LEGEND
EXIST. BOUNDARY
REBAR FOUND
IREN PIPE FEUND
À NAIL FOUND
EXIST. STREAM BUFFER
EXIST. WETLAND
EXIST. FEMA NON-ENCROACHMENT
EXIST. RIGHT DF WAY
EXIST. EASEMENT
· EXIST, BUILDING SETBACK
EXISTING BUILDING
EXISTING SIDEWALK
EXISTING PAVEMENT
EXISTING GRAVEL
EXIST. CURB
S EXIST, MANHOLE
E-SS — EXIST. SANITARY SEWER
E-W EXIST. WATER LINE
HYD EXIST. FIRE HYDRANT
=
E-OU EXIST. OVERHEAD UTILITIES
PP DEXIST. POWER POLE
E-U EXIST. UNDRGRND UTILITIES
E-ST EXIST. STORM DRAIN
EXIST. CURB INLET
ELEV EXIST. MAJOR CONTOUR
🕑 EXIST. TREE



DEVELOPMENT DATA

PROPERTY ADDRESS: <u>1792 LOCUST GROVE RD</u> HENDERSONVILLE NC 28792
PIN NUMBER: <u>9671-48-3594 and 9671-59-4941</u> PROPERTY SIZE: <u>97.49 AC</u>
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: <u>HENDERSON COUNTY</u>
STORMWATER REVIEW: <u>HENDERSON COUNTY</u> ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE
ROBERT T. LOVE 828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
ADDRESS: <u>69 CLARK GAP ROAD</u> FLETCHER NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING CONTACT: WYATT EDSEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: <u>828-232-4700</u>
LANDSCAPE ARCH.: <u></u> CONTACT:
ADDRESS:
EMAIL:
PHONE:



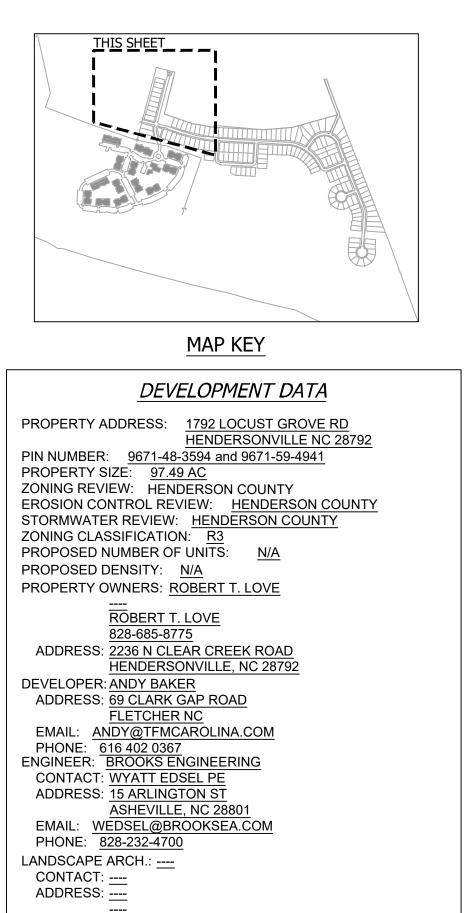
E	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
	N 37°05'24"₩	241.62'	25	N 21°56'46"E	1049.47'
	N 37°34'18"₩	397.06'	26	N 48°40'29"E	125.12'
	N 37°06'14"₩	205.92'	27	N 43°09'46"E	300.25'
	N 38°02'09"₩	496.07'	28	N 44°06'58"E	440.68'
	N 34°43'53"₩	251.44'	29	S 79°05'41"E	143.05'
	N 46°42'18"₩	184.77'	30	S 17⁰43'57"₩	413.49'
	N 46° 57'53"₩	255.28'	31	S 17°59'46"₩	168.15'
	N 43°47'24"₩	128.18'	32	S 16°05'25"₩	36.07'
	N 43°55'24"₩	143.06'	33	S 50°14'17"₩	149.40'
	N 47°31'29"₩	275.09'	34	S 38°54'01"E	506.80'
	N 45°41'02"₩	135.39'	35	S 41°08'43"E	507.06'
	N 46°20'19"₩	156.75'	36	N 44°48'38"E	784.17'
	N 44°36'29"₩	296.31'	37	S 45°25'10"E	200.00'
	N 45°42'38"₩	230.48'	38	S 44°02'12"₩	27.70'
	N 44°03'25"₩	365.92'	39	S 44°02'12"₩	418.48'
	N 42°23'27"₩	232.95'	40	S 40°43'49"E	299.95'
	N 42°50'24"₩	84.03'	41	S 49°48'39"E	34.48'
	N 57°05'17"₩	61.25'	42	S 49°48'39"E	194.29'
	N 26°05'17"₩	41.09'	43	N 52°28'03"E	20.00'
	N 30°23'03"W	97.78'	44	S 54°54'16"E	521.11'
	N 39°02'31"W	98.20'	45	S 65°12'52"E	299.59'
	N 39°02'31"₩	235.93'	46	S 75°35'25"E	479.87'
	N 30°22'07"E	<i>99.22'</i>	47	N 09°49'34"E	394.64'
	S 60°21'38"E	20.00'	48	S 69°48'18"E	30.00'
			49	S 09°54'52"₩	30.35'
		: 529.50'	50	S 09°55'49"₩	345.24'
:	1052.63' DELTA:	15 °23'12"	51	S 09°53'22"₩	218.67'
			52	S 08°38'07"₩	592.89'
			53	S 08°37'40"₩	614.55'
			54	S 10°00'22"₩	1362.89'

EXIST. CONDITIONS LEGEND
EXIST. BOUNDARY
\bigcirc REBAR FOUND
E IRON PIPE FOUND
A NAIL FOUND
CORNER TREE FOUND
EXIST. WETLAND
EXIST. FEMA NON-ENCROACHMENT FEMA FLOOD HAZARD AREA (1%) FEMA FLOOD HAZARD AREA (0.2%)
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EXIST. EASEMENT
EXISTING BUILDING
EXISTING SIDEWALK
EXISTING PAVEMENT
EXISTING GRAVEL
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SEXIST. MANH□LE E-SS — EXIST. SANITARY SEWER
E-W EXIST. WATER LINE
EXIST. WATER METER
—— E-OU —— EXIST, OVERHEAD UTILITIES
PP EXIST. POWER POLE
E-U EXIST. UNDRGRND UTILITIES E-ST EXIST. STORM DRAIN
EXIST. CURB INLET
EXIST. MINOR CONTOUR ELEVEXIST. MAJOR CONTOUR
💮 EXIST. TREE

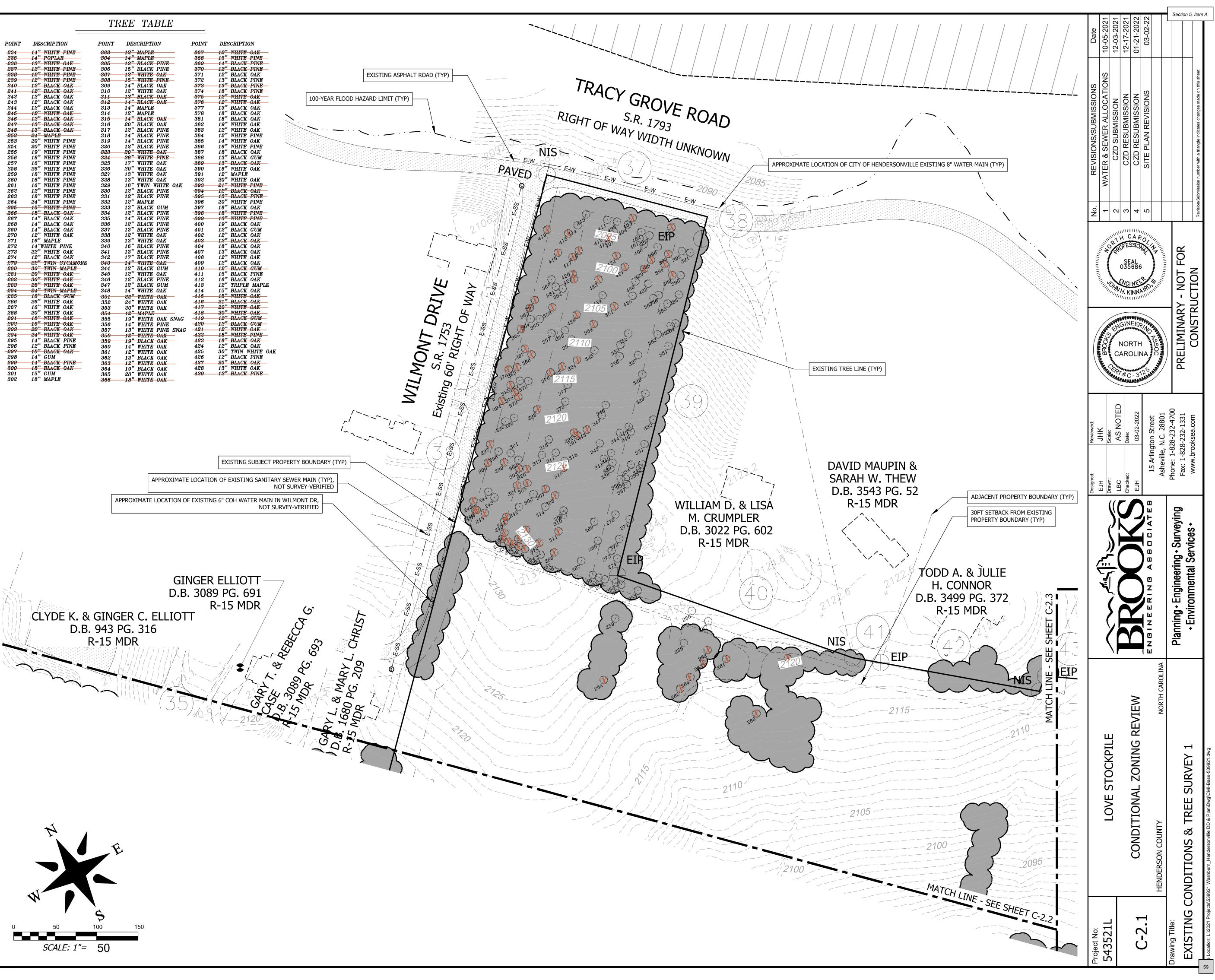
<u>POINT</u>	DESCRIPTION
234	14" WHITE PINE
235	<u> 14" POPLAR </u>
-236	13" WHITE OAK
237	12" WHITE PINE
238 239	12" WHITE PINE 12" WHITE PINE
240	12" BLACK OAK
241	12" BLACK OAK
242	12" BLACK OAK 12" BLACK OAK
243	12" BLACK OAK
244 245	12" BLACK OAK 12" WHITE OAK
246	12" BLACK OAK
247	13" BLACK OAK
248	13" BLACK OAK
-252	24" MAPLE
253 254	20" WHITE PINE 20" WHITE PINE
254 255	19" WHITE PINE
256	18" WHITE PINE
257	16" WHITE PINE
258	26" WHITE PINE 18" WHITE PINE
259	18" WHITE PINE
260 261	16" WHITE PINE 16" WHITE PINE
262	12" WHITE PINE
263	18" WHITE PINE
264	24" WHITE PINE
-265	15" WHITE PINE
266	- 18" BLACK OAK - 14" BLACK OAK
267 268	14" BLACK OAK
269	14" BLACK OAK
270	12" WHITE OAK
271	16" MAPLE
272	14"WHITE PINE 22" WHITE OAK
273 274	22" WHITE OAK 12" BLACK OAK
279	22" TWIN SYCAMORE
280	- 30" TWIN MAPLE -
-281	20" WHITE OAK
282	30" WHITE OAK
-283 	- 28" WHITE OAK - 24" TWIN MAPLE -
285	18" BLACK GUM
286	26" WHITE OAK
287	16" WHITE OAK
288	20" WHITE OAK
291	18" WHITE OAK 16" WHITE OAK
292 293	- 16" WHITE OAK - 22" Black Oak -
294	24" WIHTE OAK
295	14" BLACK PINE
296	12" BLACK PINE
297	- 18"BLACK OAK- 14"GUM
298 299	14"GUM — <mark>14"BLACK PINE</mark>
300	18" BLACK OAK
301	15" GUM
302	18" MAPLE

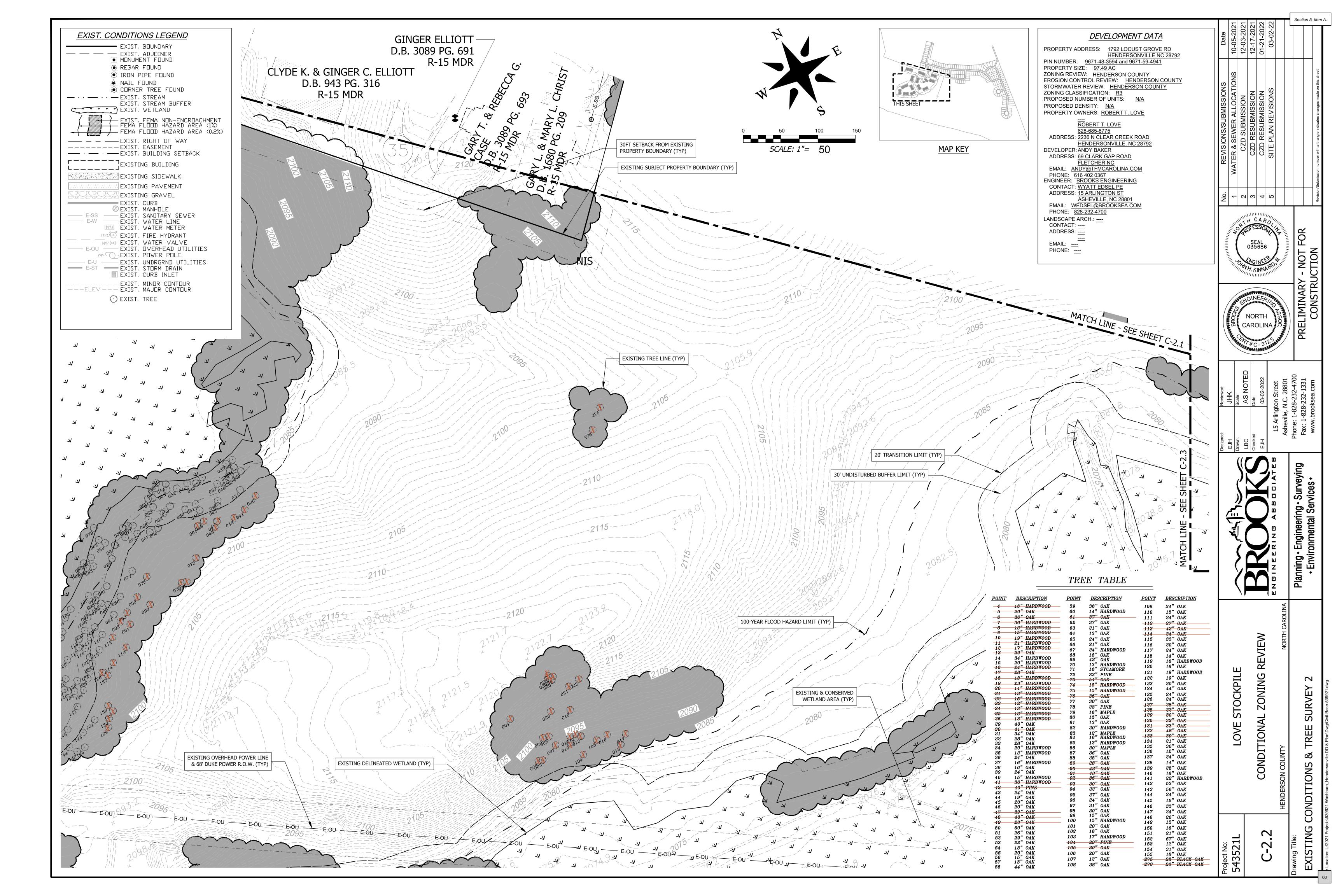
TREE	TABLE

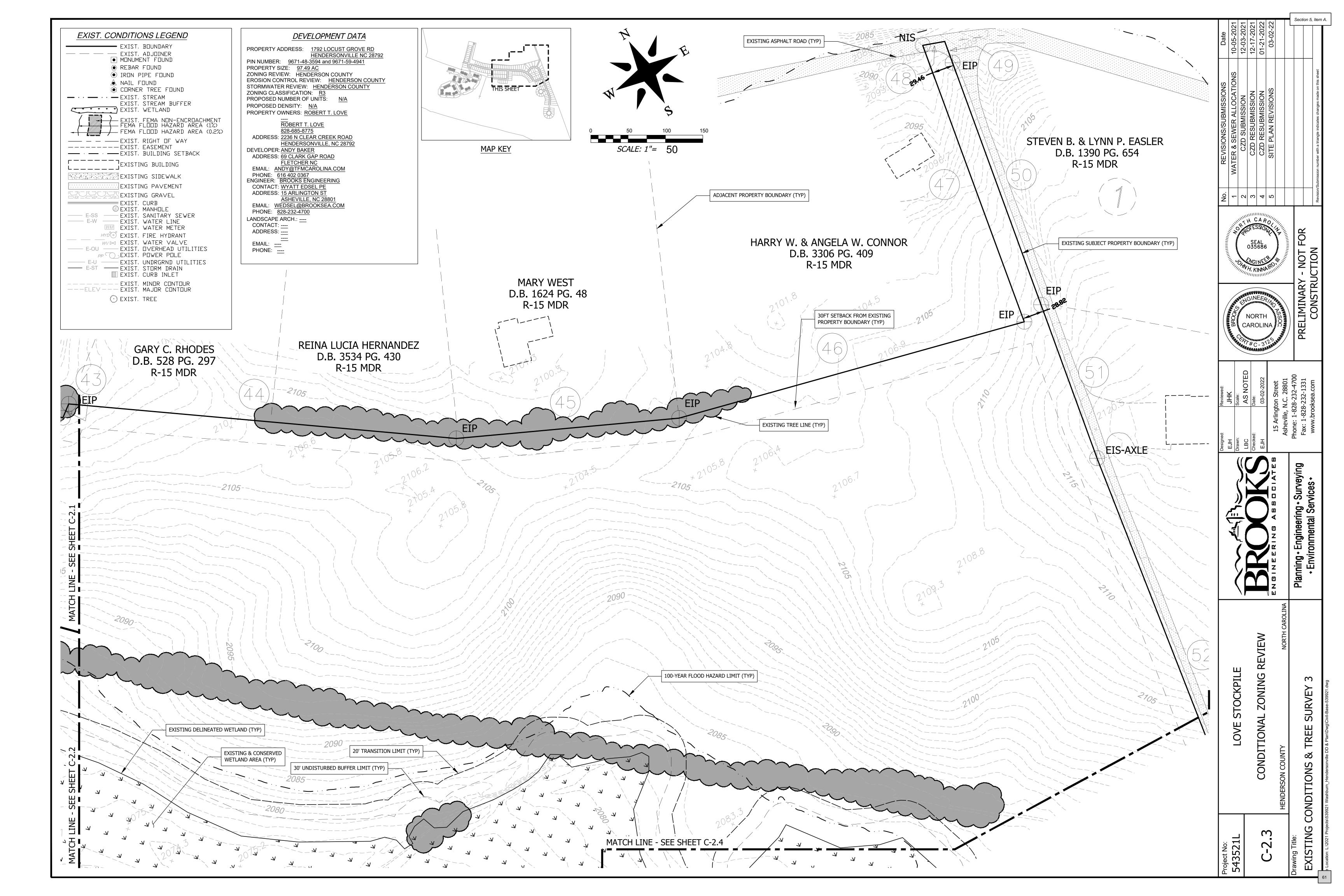
DESCRIPTION	<u>POINT</u>	DESCRIPTION
12" MAPLE	367	12" WHITE OAL
14" MAPLE	368	15" WHITE PIN
12" BLACK PINE	369	14" BLACK PIN
15" BLACK PINE	370	12" BLACK PIN
12" WHITE OAK	371	12" BLACK OAL
<u>15" WHITE PINE</u>	372	13" BLACK PIN
14" BLACK OAK	373	13" BLACK PIN
12" WHITE OAK	374	18" BLACK PIN 12" WHITE OAI
12" BLACK OAK 14" BLACK OAK	375	<u>12" WHITE OAI</u> 12" WHITE OAI
<u>14" MADIE</u>	376	13" BLACK OA
14" MAPLE 12" MAPLE	377 378	18" BLACK OAL
12 MAFLE 14" BLACK OAK	381	18" BLACK OAL
20" BLACK OAK	382	19" WHITE OAL
12" BLACK PINE	383	12" WHITE OAL
1A" BLACK DINF	384	12" WHITE PIN
14" BLACK PINE 14" BLACK PINE	385	14" WHITE OAL
12" BLACK PINE	386	18" WHITE PIN
20" WHITE OAK	387	18" BLACK OAL
28" WHITE PINE	388	13" BLACK GU
17" WHITE OAK	389	13" BLACK OA
20" WHITE OAK	390	18" WHITE OAL
13" WHITE OAK	391	12" MAPLE
13" WHITE OAK	392	20" WHITE OAL
18" TWIN WHITE OAK		21" WHITE PIN
12" BLACK PINE 12" BLACK PINE	394	12" BLACK OAL 13" BLACK PIN
12" BLACK PINE	-395	<u>13" BLACK PIN</u>
12" MAPLE	396 807	20" WHITE PIN
13" BLACK GUM 12" BLACK PINE	397	18" BLACK OAL 18" WHITE PIN
12" BLACK PINE 14" BLACK PINE	398 399	10 WHITE PIN
12" BLACK PINE 12" BLACK PINE	400	19" BLACK OA
13" BLACK PINE	401	12" BLACK GU
12" WHITE OAK	402	12" BLACK OA
13" WHITE OAK	403	12" BLACK OA
10" DIACK DIME	404	18" BLACK OA
13" BLACK PINE	407	18" BLACK OAL 13" BLACK OAL
17" BLACK PINE	408	12" WHITE OAI
14" WHITE OAK	409	12" BLACK OA
12" BLACK GUM	410	12" BLACK GU
12" WHITE OAK	411	15" BLACK PIN
12" BLACK PINE	412	16" BLACK OAL
12" BLACK GUM		
14" WHITE OAK	414	15" BLACK OAL
22" WHITE OAK	415	15" WHITE OAL
24" WHITE OAK	416	21" BLACK OA
20" WHITE OAK	417	20" WHITE OAL
12" MAPLE	<u>418</u>	20" WHITE OAL 12" BLACK GU
19" WHITE OAK SNAG	<u>419</u>	12 BLACK GU
14" WHITE PINE	-420 -421	12 BLACK GU
13" WHITE PINE SNAG 12" WHITE OAK	4 <u>22</u>	<u> </u>
12" WHITE OAK 19" Black Oak	423	18" BLACK OA
19 BLACK OAK 14" WHITE OAK	424	12" BLACK OA
12" WHITE OAK	425	30" TWIN WHIT
12" BLACK OAK	426	12" BLACK PIN
12" WHITE OAK	427	25" BLACK OA
19" BLACK OAK	428	13" WHITE OAL
20" WHITE OAK	429	12" BLACK PIN



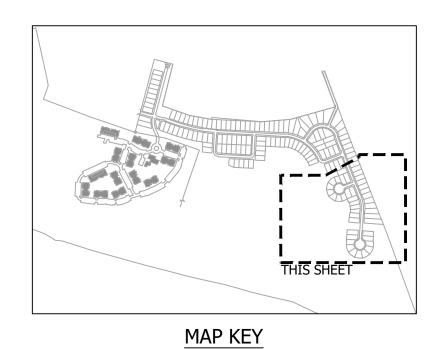
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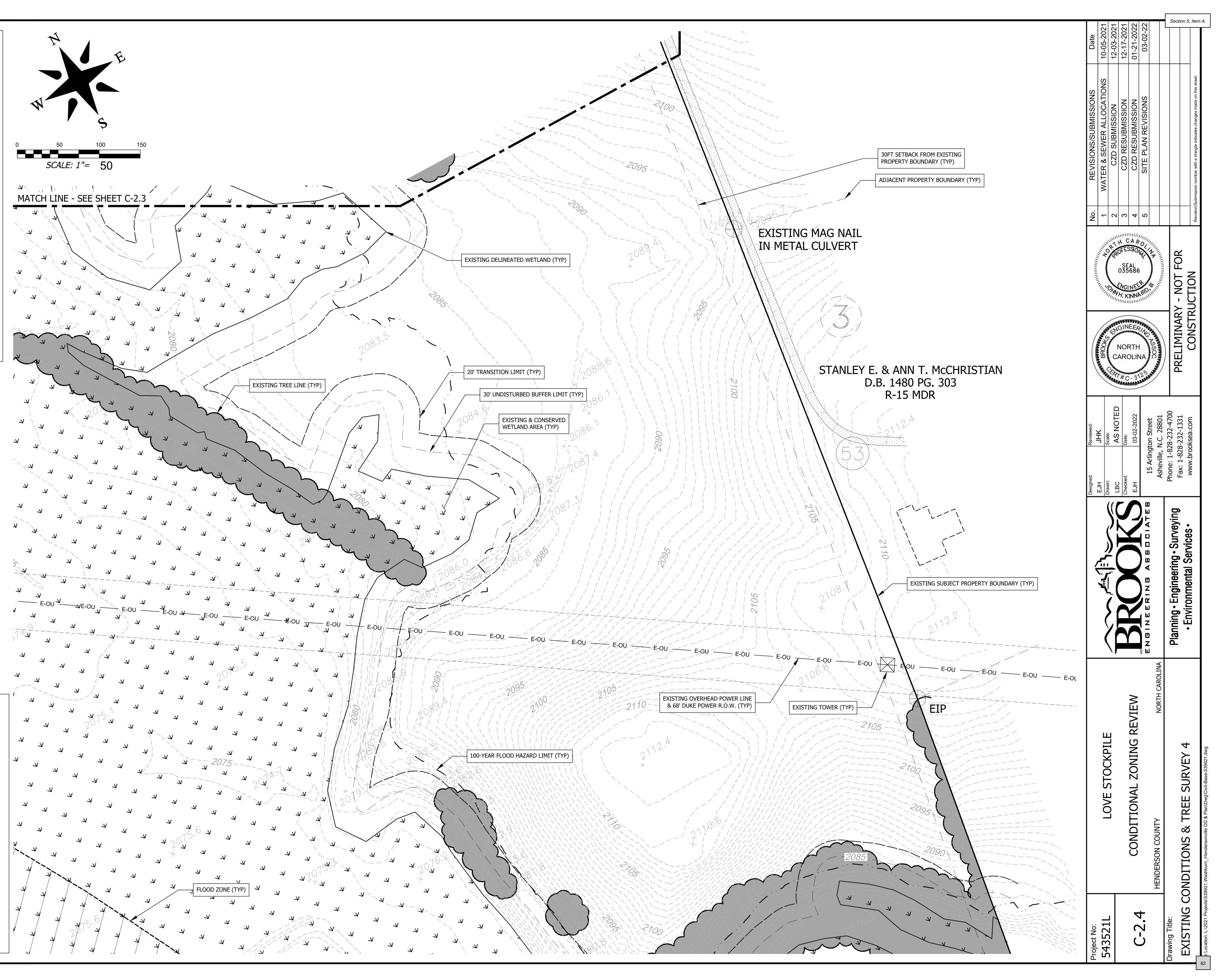


EXIST. CONDITIONS LEGEND		
EXIST. BOUNDARY		
EXIST. ADJOINER		
 REBAR FOUND 		
IRON PIPE FOUND		
À NAIL FOUND		
CORNER TREE FOUND		
EXIST. STREAM BUFFER		
EXIST. WETLAND		
EXIST. FEMA NON-ENCROACHMENT FEMA FLOOD HAZARD AREA (1%) FEMA FLOOD HAZARD AREA (0.2%)		
——————————————————————————————————————		
EXIST. EASEMENT		
EXISTING BUILDING		
EXISTING SIDEWALK		
EXISTING PAVEMENT		
EXERCISE EXISTING GRAVEL		
EXIST. CURB		
E-SS EXIST, SANITARY SEWER		
E-W EXIST. WATER LINE		
HYDO EXIST. FIRE HYDRANT		
WV EXIST. WATER VALVE		
E-OU — EXIST. OVERHEAD UTILITIES		
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E-ST EXIST. STORM DRAIN		
EXIST. CURB INLET		
ELEVEXIST. MINDR CONTOUR		
💮 EXIST. TREE		

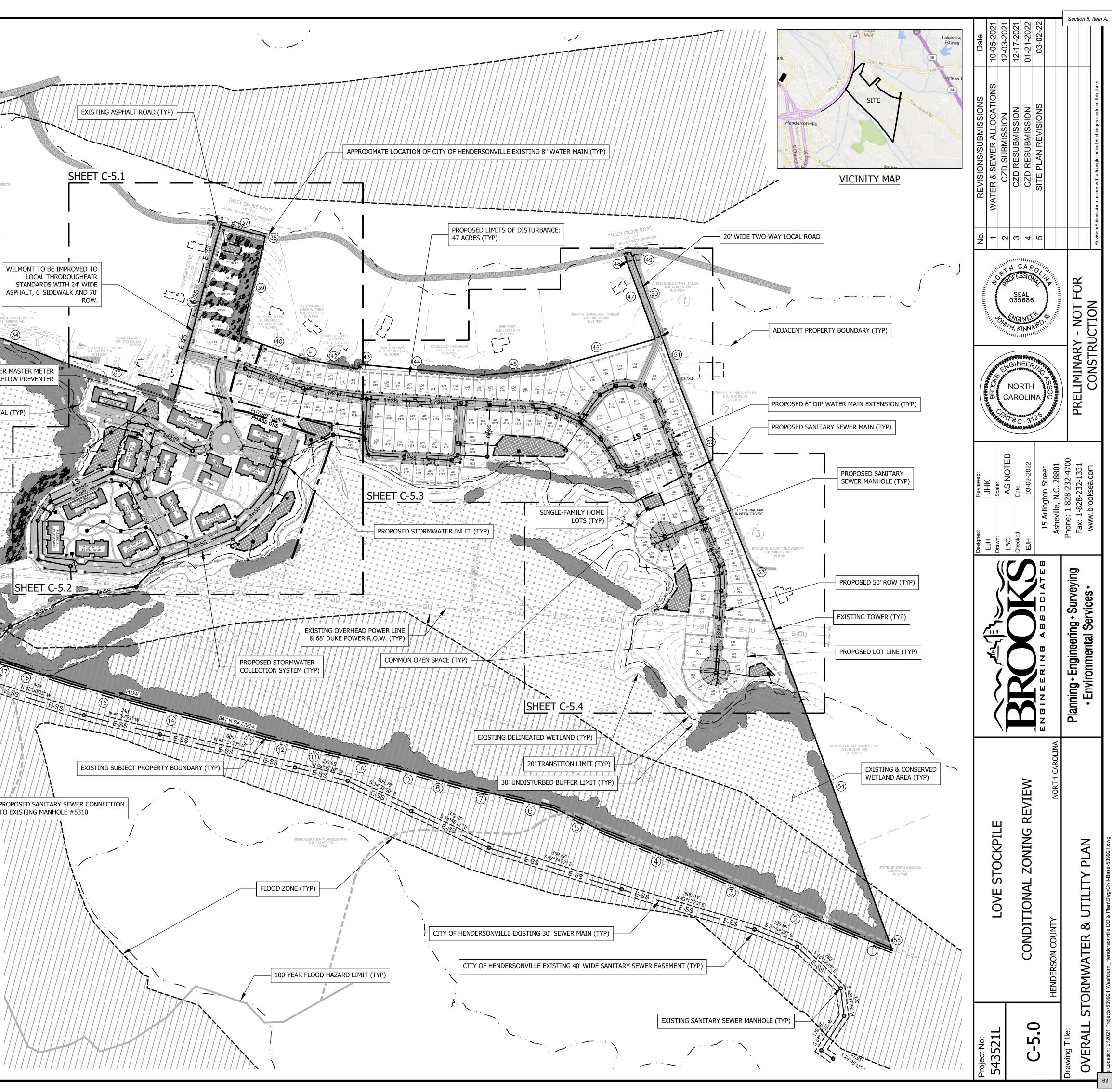


DEVELOPMENT DATA

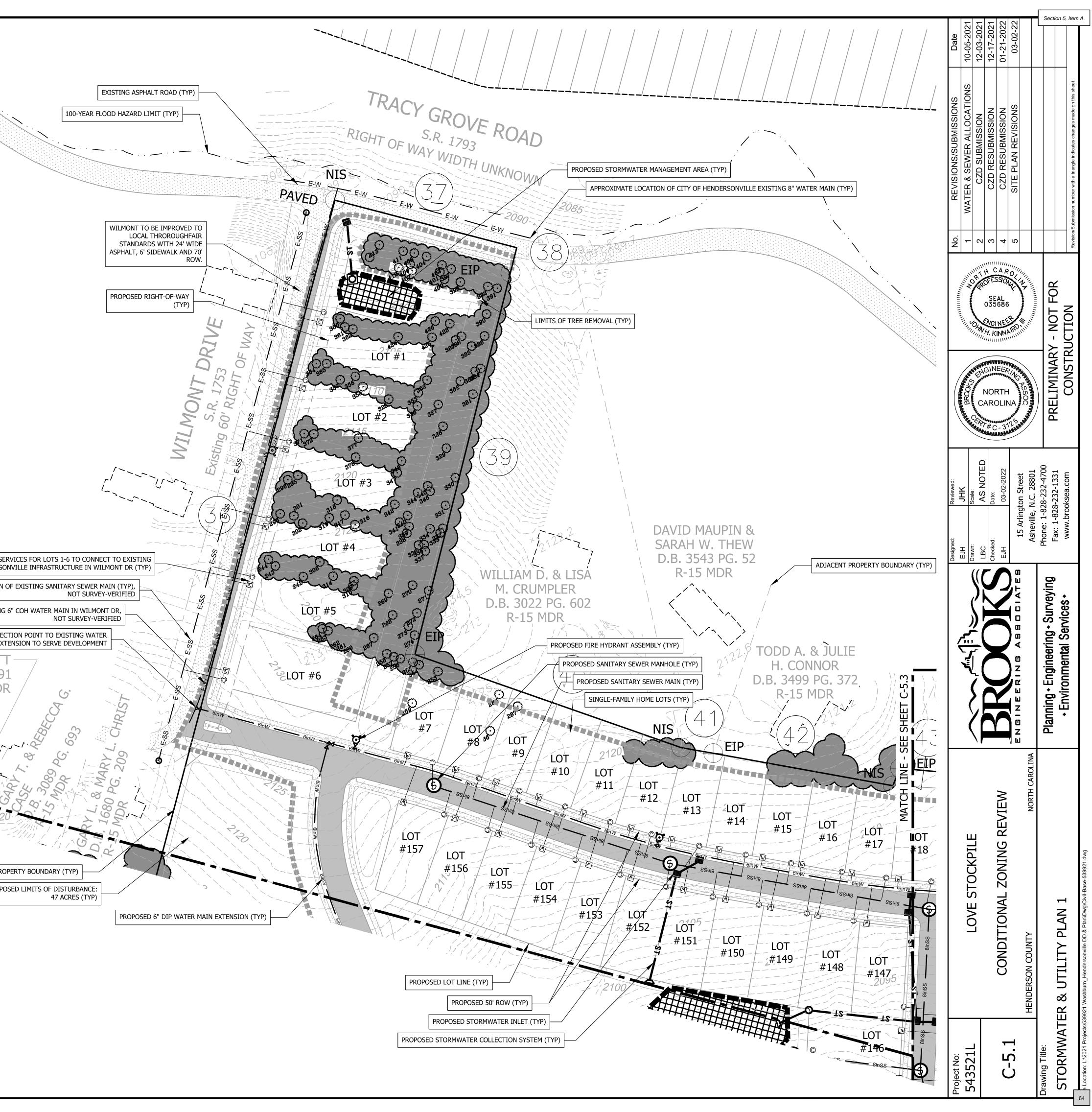
PROPERTY ADDRESS: <u>1792 LOCUST GROVE RD</u> HENDERSONVILLE NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.49 AC
ZONING REVIEW: HENDERSON COUNTY
EROSION CONTROL REVIEW: HENDERSON COUNTY
STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE
ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDSEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.:
CONTACT:
ADDRESS:
EMAIL:
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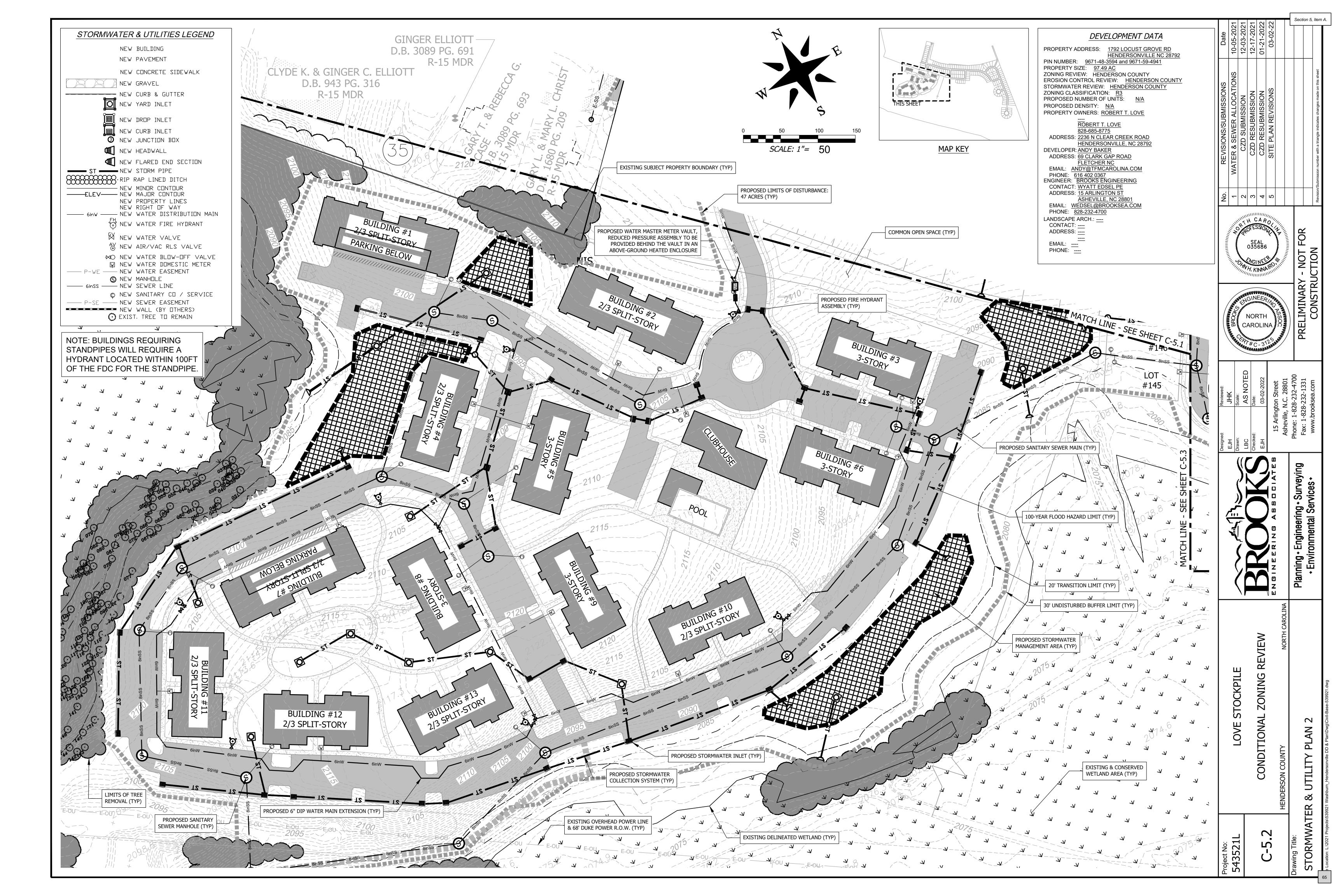


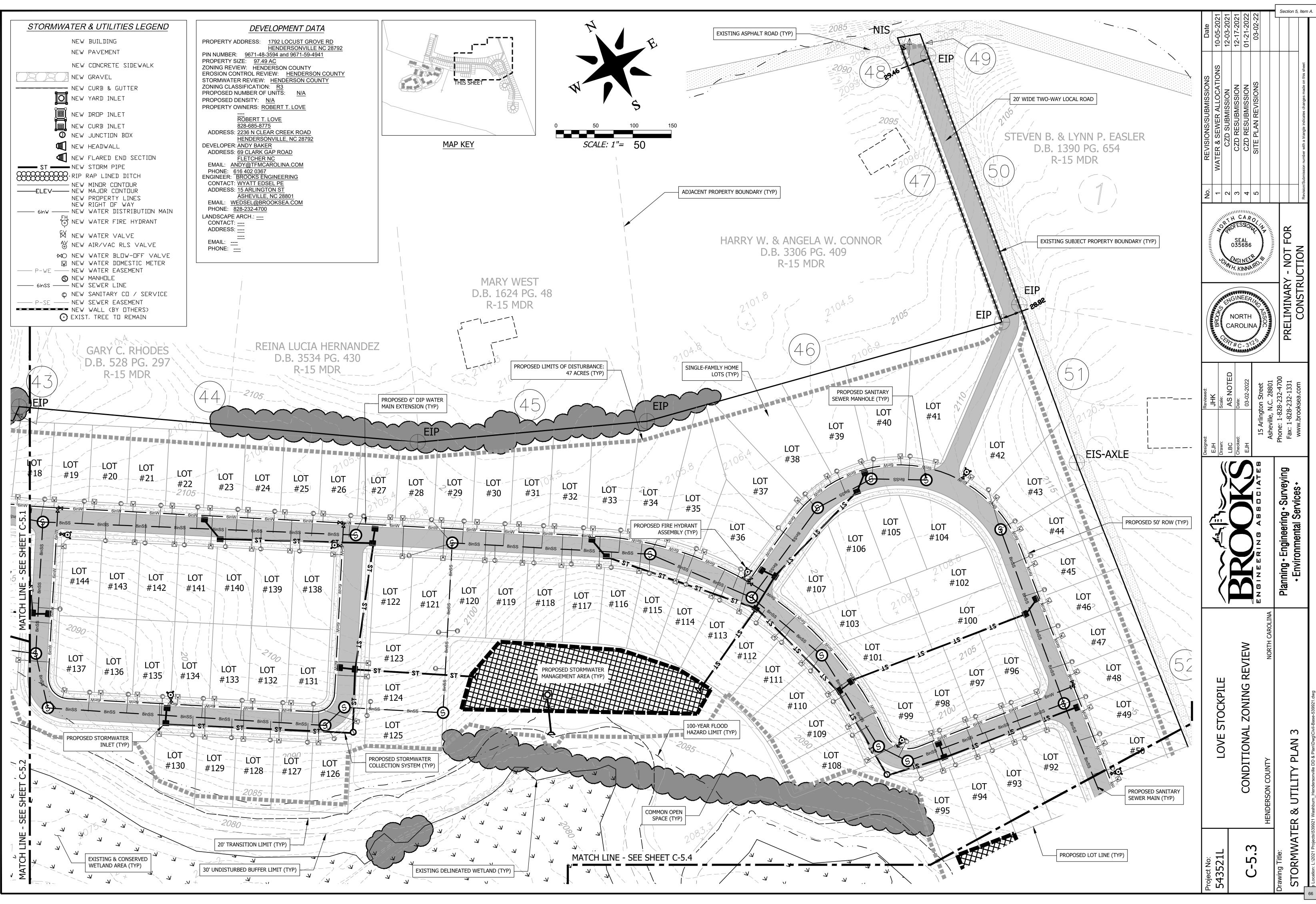
STORMWATER & UTILITES LEGEND NEW BUILDING NEW CONCRETE SIDEWALK NEW CONCRETE SIDEWALK NEW CORB & GUTTER NEW CORB & GUTTER NEW URB INLET NEW CORB INLET NEW URB INLET NEW SURD INLET NEW SURE CONTOUR NEW MADER CONTOUR NEW MADER CONTOUR NEW WATER VALVE NEW WATER VALVE NEW WATER BLIN-OFF VALVE NEW WATER BLIN-OFF VALVE NEW SEWER LINE NEW SEWER LINE NEW SEWER LINE NEW SEWER LINE NEW SEWER EASEMENT NEW SEWER LINE SIC ME	V LOUGE MARTENESS 1 STRATE 1 STRATEN 1 STRATEN 1 STRATEN 1 STRATEN 1 S
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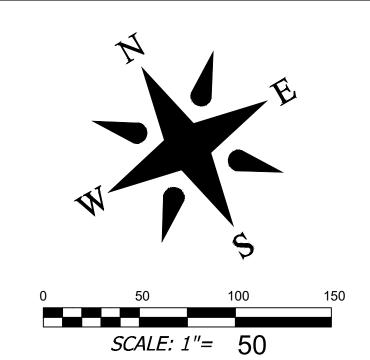
STORMWATER & UTILITIES LEGEND	
NEW BUILDING	
NEW PAVEMENT	
NEW CONCRETE SIDEWALK	
NEW YARD INLET	
NEW DROP INLET	
NEW CURB INLET O NEW JUNCTION BOX	
NEW HEADWALL	
NEW FLARED END SECTION	
RIP RAP LINED DITCH	
NEW PROPERTY LINES NEW RIGHT OF WAY ————————————————————————————————————	
FH NEW WATER FIRE HYDRANT	
NEW WATER VALVE	
AV NEW AIR∕VAC RLS VALVE →∞O NEW WATER BL⊡W-□FF VALVE	
NEW WATER DOMESTIC METER	
© NEW MANHULE ————————————————————————————————————	
© NEW SANITARY C⊡ / SERVICE	
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◯ EXIST. TREE TO REMAIN	
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	PROPOSED CONNEC SYSTEM FOR EXT
	GINGER ELLIOTT
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	D.B. 3089 PG. 691 R-15 MDR CLYDE K. & GINGER C. ELLIOTT
	D.B. 3089 PG. 691 R-15 MDR CLYDE K. & GINGER C. ELLIOTT
<u>MAP KEY</u>	D.B. 3089 PG. 691 R-15 MDR CLYDE K. & GINGER C. ELLIOTT
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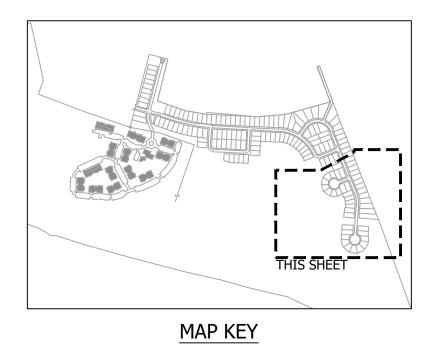






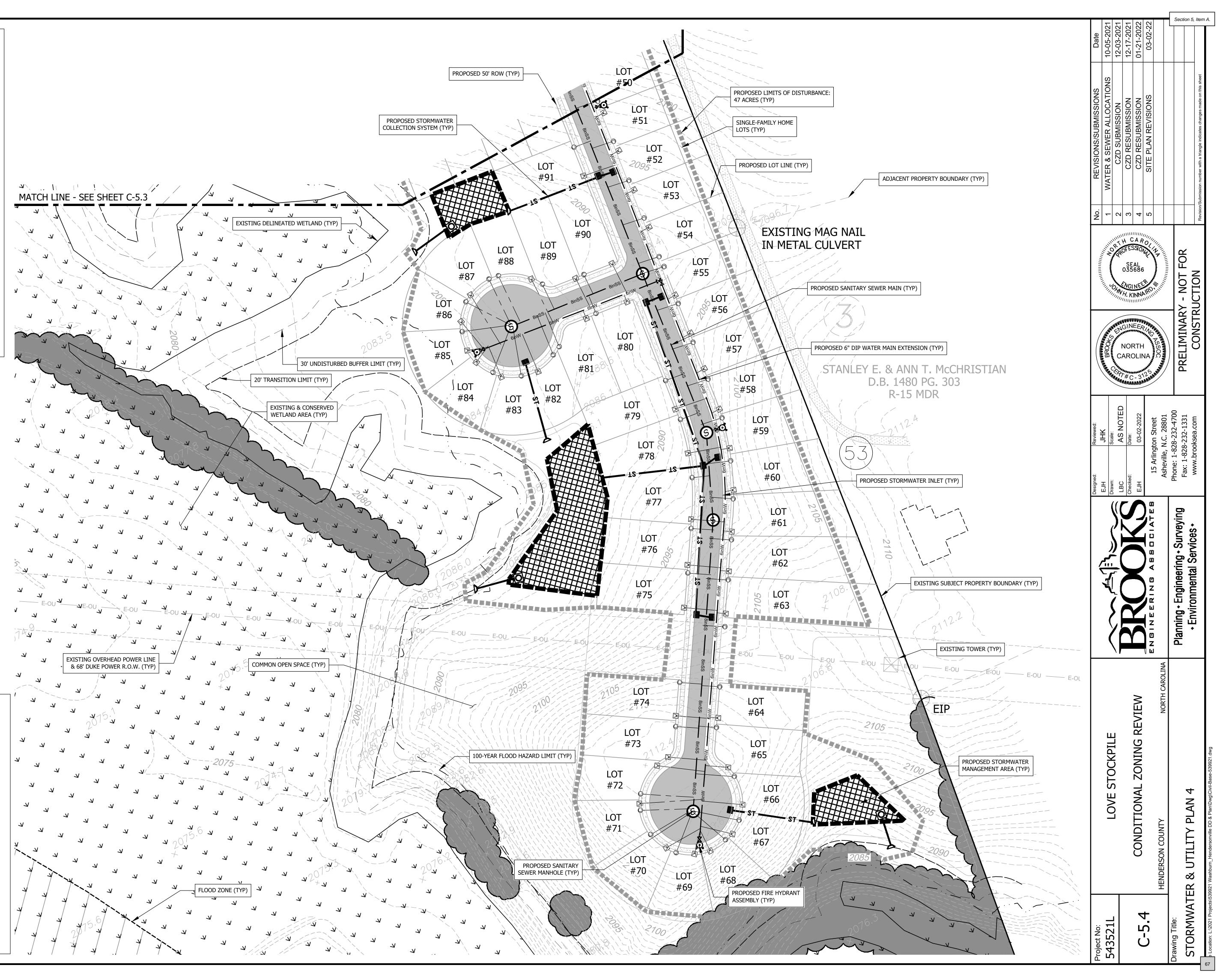
STORMWATE	R & UTILITIES LEGEND
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DEVELOPMENT DATA

PROPERTY ADDRESS: <u>1792 LOCUST GROVE RD</u> HENDERSONVILLE NC 28792
PIN NUMBER: 9671-48-3594 and 9671-59-4941
PROPERTY SIZE: 97.49 AC
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STORMWATER REVIEW: HENDERSON COUNTY
ZONING CLASSIFICATION: R3
PROPOSED NUMBER OF UNITS: N/A
PROPOSED DENSITY: N/A
PROPERTY OWNERS: ROBERT T. LOVE
FROFERTT OWNERS. ROBERT T. LOVE
ROBERT T. LOVE
828-685-8775
ADDRESS: 2236 N CLEAR CREEK ROAD
HENDERSONVILLE, NC 28792
DEVELOPER: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC
EMAIL: ANDY@TFMCAROLINA.COM
PHONE: 616 402 0367
ENGINEER: BROOKS ENGINEERING
CONTACT: WYATT EDSEL PE
ADDRESS: 15 ARLINGTON ST
ASHEVILLE, NC 28801
EMAIL: WEDSEL@BROOKSEA.COM
PHONE: 828-232-4700
LANDSCAPE ARCH.:
ADDRESS:
EMAIL:
PHONE:
—



NEIGHBORHOOD COMPATIBILITY MEETIN



Current Application (P22-19-CZD) NCM Meeting Dates: March

18,2022

<u>P21-68-CZD & P22-19-CZD</u>

Previous Application (P21-68-CZD) NCM Meeting Dates: November 2 & 30, 2021

PETITION REQUEST: Rezoning: Planned Residential Development-Conditional Zoning District

APPLICANT/PETITIONER: Mike Washburn

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

The initial application for this project (P21-68-CZD) was withdrawn at Planning Board on February 14, 2022. There were two Neighborhood Compatibility Meeting were held for the initial application and a third NCM held for the resubmitted application (P22-19-CZD) currently up for consideration. An overview of topics discussed at each of the three NCMs is provided below.

NCM #1 (P21-68-CZD) - November 2nd, 2021

There were 19 members of the public in attendance along with 5 members of staff and 4 members of the development team. The development team was allowed to present following the introduction from staff. Concerned citizens raised issues related to decrease of property values, impact on environment, increased noise, increased light, increased traffic congestion, planting of buffers, loss of farmland/rural character, and visual impact of buildings.

NCM #2 (P2I-68-CZD) - November 30th, 2021

There were 7 members of the public in attendance. The format was the same as the previous meeting. Concerned citizens raised issues related to impact on neighboring properties, flooding, increased "aggression" due to population density, impact on public services, air quality and water quality, and other concerns like those expressed at the first NCM.

NCM #3 (P22-19-CZD) - February 14, 2022

There were 6 members of the public in attendance along with 5 virtual participants. Mike Washburn (developer), Rob Dull with Design Concepts and John Kinnard from Brooks Engineering represented the development team. There were three members of staff present. The format was the same as for the previous meetings. Concerned citizens raised issues related to previous agricultural use of the property, impact on traffic/existing road conditions, highest and best use of the property, impact on neighboring properties, flooding, differences in new application, impact on public services, and other concerns like those expressed at the previous NCMs.

Full minutes from all Neighborhood Compatibility Meetings are available for review at request



April 19, 2022

PETITION REQUEST: Rezoning: Planned Residential Development - Conditional Zoning District

APPLICANT/PETITIONER: Mike Washburn

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board on April 19, 2021. There were 4 members of the Tree Board present. The following Recommendation were made:

The Tree Board proposed the recommended conditions outlined below based on the following guiding city code documents:

Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A &C and 15-4 A; Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 1.2 and Goal NR-2, Strategy 2.3 and;

The Tree Board's assessment that this tract contains an important and sensitive natural area, one of the few major wetland habitats remaining in Hendersonville and the tract lies adjacent to the Bat Fork Bog, a state designated Natural Heritage Area, the Tree Board recommends the following development conditions be placed on this property:

Recommended Conditions:

- 1) Provide and implement a vegetative planting plan developed by a landscape architect and approved by staff to vegetate between all built areas/impervious surfaces and the entire required buffer line along the wetland with diverse and appropriate species of native upland and wetland trees, native shrubs and other native perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) to enhance wildlife habitat, increase tree canopy, assist in stormwater filtering of pollution from built areas and slow down and infiltrate stormwater runoff from the site. No turf grasses can be used in this area and invasive plants (as listed in the city's Recommended Landscape Species List for Street Trees and Land Development Projects) must be removed; [Developer Agreed] and
- The developer shall protect the trees that they have proposed to save in accordance with Section 15-4 Existing Vegetation of the Zoning Ordinance; [Developer Agreed] and

TREE BOARD RECOMMENDATION

- 3) The developer should eliminate the proposed parking spaces at the apartment complex site where mature trees exist; [Developer Agreed] and
- 4) Implement a minimum 25-foot Type C Buffer without any walls, fences or berms (defined in Zoning Code Section 15-6 [c]) in all areas where the apartments [are proposed] bordering R-15 residential zoned properties to increase tree canopy, wildlife habitat, and provide additional buffering for existing residential areas. Existing non-invasive trees and shrubs should remain and can contribute to this buffer; [Developer Agreed] and
- 5) Shift lots 7 and 8 to the common space area to preserve the mature Oak Trees where lots 7 and 8 are shown on the current site plan [Developer Agreed].

BOARD ACTION

Motion: Glenn Lange

Yeas: Mark Madsen, Mary Davis, Andy Crawford, and Glenn Lange

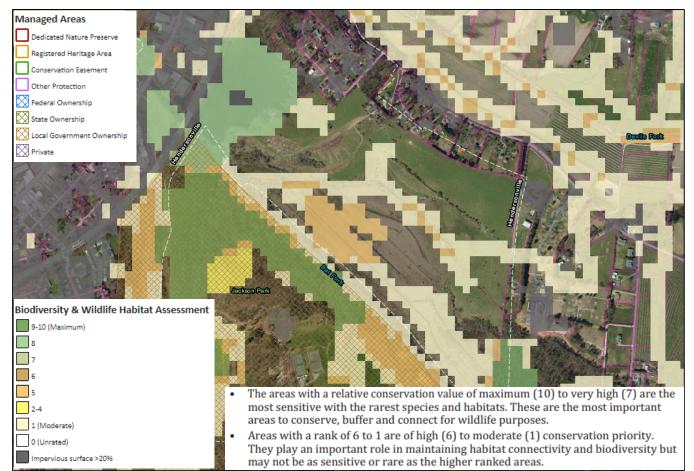
Nays: None

Absent: Mac Bracket, Landon Justice, Pat Christie

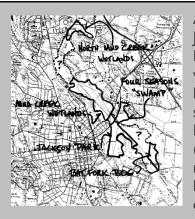
Recused: None

Natural Resources Summary – Washburn Tract (P2I-68-CZD)

Given the number of the City's Comprehensive Plan goals that are relevant to this project, staff is providing data compiled for the NC Wildlife Resources Commission. The following map presents data from the Natural Heritage Program and recommendations from the Green Growth Toolbox.



Biodiversity ratings of 8, 5 and 1 are present on the site. Additional recommendations related to Natural Resource protection can be found here: <u>https://www.ncwildlife.org/Portals/0/Conserving/documents/GGT/Manual/GGT_handbook_</u>2017.pdf



A <u>study of Natural Areas in Henderson County</u> was completed in January 1994. There are four natural areas located in the City of Hendersonville, each of which is ranked based on their ecological values. One, the Four Seasons / Ewbank Swamp (High Value) is located on the subject property. Three others are adjacent to the subject property. Those include Jackson Park Wetlands (Very High), Bat Fork Bog (Very High) and the Mud Creek Wetlands (High). "These sites support rare and high-quality populations of native plants, wildlife, and natural communities (habitats) on both land and water and are extremely important to the conservation of...biodiversity.

Ordinance #____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9578-39-5229 & 9579-11-841 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT-CONDITIONAL ZONING DISTRICT) TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9578-39-5229 & 9579-11-841– 240 Wilmont Dr (Washburn Tract Development) - (File # P22-19-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Mike Washburn for the development of 300 Apartments and 160 detached single-family homes on approximately 162.1 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9, 2022; voting 0-0 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 June 2, 2022, and

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

- Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-39-5229 & 9579-11-841 from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
- 2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Single-Family
 - ii. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include: City-Initiated:
 - i. The development shall be consistent with the preliminary site plan as submitted, [or as modified and presented].
 - ii. Provide two-lane access (45' ROW) at southeastern end of development (currently shown as 20' emergency access / exit-only); and
 - iii. Provide for Mitigation as called for in TIA review and noted in staff report; and
 - iv. Dedicate right-of-way along frontage on Tracy Grove Rd; and
 - v. Provide details related to the provision of a Conservation Easement and/or Dedication of land to Conserving Carolina including commitment from Conserving Carolina as a note on the site plan; and
 - vi. Provide details related to developer proposed restoration of on-site wetlands, delineating areas proposed for restoration on the site plan; and
 - vii. Enhance the Stormwater run-off system to treat and retain, at a minimum a 25-year event. Treatment and retention are currently required for a 10-year event.; and
 - viii. Utilize Low Impact Development practices through incorporation of bioretention ponds to retain and treat on-site stormwater (NR-3.2); and
 - ix. Provide and implement a vegetative planting plan developed by a landscape architect and approved by staff to vegetate between all built areas/impervious surfaces and the entire required buffer line along the wetland with diverse and appropriate species of native upland and wetland trees, native shrubs and other native perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) to enhance wildlife habitat, increase tree canopy, assist in stormwater filtering of pollution from built areas and slow down and infiltrate stormwater runoff from the site. No turf grasses can be used in this area and invasive plants (as listed in the city's Recommended Landscape Species List for Street Trees and Land Development Projects) must be removed; and

- x. Protect the trees that they have proposed to save in accordance with Section 15-4 Existing Vegetation of the Zoning Ordinance; and
- xi. The developer should eliminate the proposed parking spaces at the apartment complex site where mature trees exist; and;
- xii. Implement a minimum 25-foot Type C Buffer without any walls, fences or berms (defined in Zoning Code Section 15-6 [c]) in all areas where the proposed apartments border R-15 residential zoned properties to increase tree canopy, wildlife habitat, and provide additional buffering for existing residential areas. Existing non-invasive trees and shrubs should remain and can contribute to this buffer; and
- xiii. Shift lots 7 and 8 to the common space area to preserve the mature Oak Trees where lots 7 and 8 are shown on the current site plan.
- 3. This ordinance shall be not be effective until the stipulated 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 7th, day of October 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

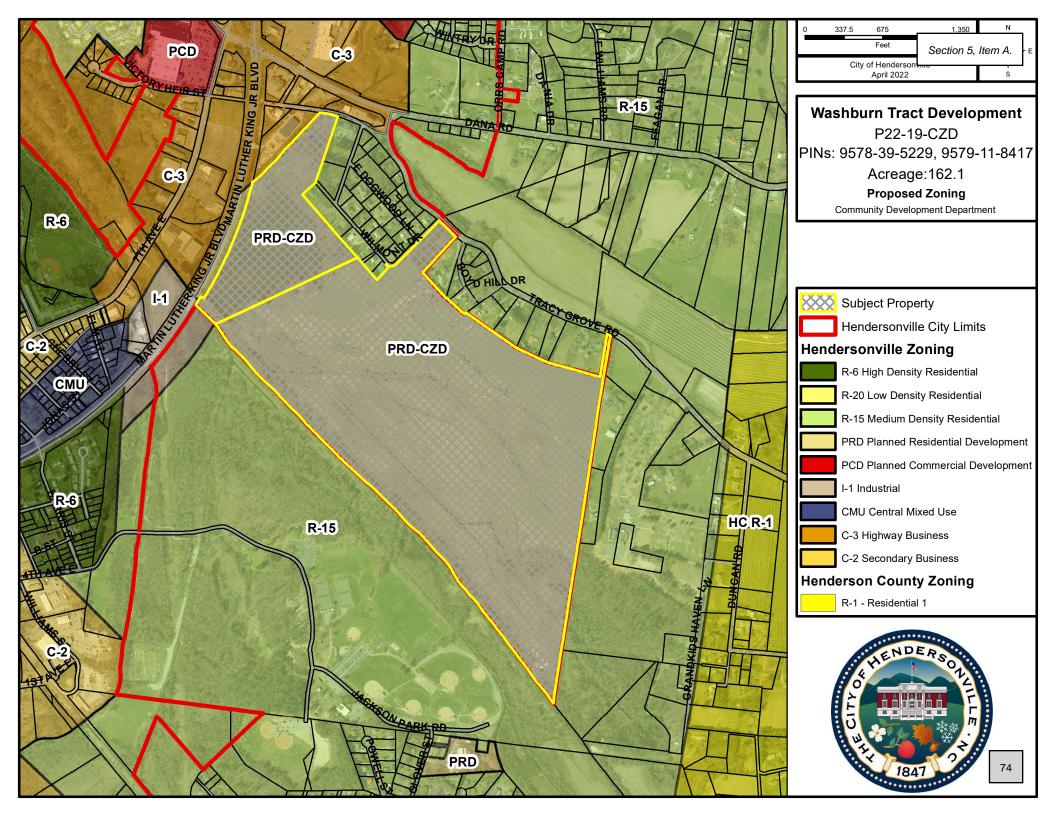
Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

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

Applicant: Mike Washburn	Property Owner:
Signature:	Signature:
Printed Name:	Printed Name:
Title:	Title:
Date:	
Property Owner:	Property Owner:
Signature:	Signature:
Printed Name:	Printed Name:
Title:	Title:
Date:	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 <u>required</u> 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.

[X] 1. Scheduled Pre-Application meeting with Planning Staff

1a. Completed Neighborhood Compatibility Meeting – Contact Staff & Review CZD Checklist for additional information

- [X] 2. Water and Sewer Availability Request
- [X] 3. Completed Application Form
- [X] 4. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- [X] 5. Completed Site Plan as described in Section 7-4.3-1 of the City Zoning Ordinance
- [X] 6. Detailed explanation of any Proposed Development Description
- [X] 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]

By:

A. Applicant Conta	ct Information		
Mike Washburn			
	Nama		
* Printed Applicant	name		
Printed Company Na	ame (if applicable)		
\Box Corporation	□Limited Liability Company	□ Trust	□ Partnership
🗴 Other: Individua	I		
DocuSigned by:	1		
Mihlun			
Applicant Signature			
Applicant Title (if a	mlicable)		
Applicant Title (II aj			
PO Box 898			
Address of Applican	ıt		
Sullivans Island, SC	20842		
City, State, and Zip			
•			
843-343-3947			
Telephone			
emwashburn@gmai	l.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]

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

Richard Thomas

*Printed Owner Name

Printed Company N	ame (if applicable)				
□ Corporation	□Limited Liability	Company	□ Trust	□ Partnership	
Other: Individual	l				
Richard LThomas	dotloop verified 10/13/21 10:04 PM EDT MG8S-XG3N-BED6-F970				
Property Owner Sig	nature	<u>.</u>			
Property Owner Titl	e (if applicable)				
830 4th Ave W, Her	ndersonville, NC 28739				
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.

Additional Property Owners: (Signature indicates intent that this page be affixed to
Application.)
and the second
Charles W Thomas and Dora E Thomas Revocable Trust dated August 31, 2017
*Printed Owner Name
Printed Company Name (if applicable)
□ Corporation □Limited Liability Company Trust □ Partnership
□ Other:
Constance
Property Owner Signature
Trustee
Property Owner Title (if applicable)
5050 E St Andrews Dr Tucson AZ 85718
City, State, and Zip Code
Telephone
2

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.

and should be an	ty Owners: (Signature indicates in	ntent that this p	age be affixed to
Application.)			
James R Thoma	S		
*Printed Owner Nar	ne		n - Coshinga da Mariani shi i Seramana
Printed Company N	ame (if applicable)		
□ Corporation	□Limited Liability Company	□ Trust	□ Partnership
La altricia			
1 Other Individ			
-26	Tim ally for Jone	2 R. Thom	ras
Property Owner Sig	nature		
Attorney in fact f	or James R Thomas		
Property Owner Titl	le (if applicable)		
830 4th Ave W He	endersonville, NC 28739		
City, State, and Zip	Code		
Telephone			
mtv8650@gmail.c	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.

* 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.

Additional Property Owners: (Signature indicates intent that this page be affixed to
Application.)
Mary T Viera
*Printed Owner Name
Printed Company Name (if applicable)
□ Corporation □Limited Liability Company □ Trust □ Partnership
Other: Individual
The for all of the the
Brown ally for Mary T. Vieira
Property Owner Signature
Property Owner Title (if applicable)
830 4th Ave W Hendersonville, NC 28739
City, State, and Zip Code
Telephone
mtv8650@gmail.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.

* 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:	May 9, 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Rezoning: Conditional Zo	oning District – Duncan Te	errace (P21-79-CZD) –

TITEM: Rezoning: Conditional Zoning District – Duncan Terrace (P21-79-CZD) – *Matthew Manley, AICP – Planning Manager*

<u>SUGGESTED MOTION(S)</u>:

For Recommending Approval:For RI move Planning Board recommend the adoption of an
ordinance amending the official zoning map of the City of
Hendersonville changing the zoning designation of the
subject property (PINs: 9569-95-7758, 9569-95-5941 and
9569-96-4013) from PRD-CZD (Planned Residential
Development – Conditional Zoning District) to PRD-CZD
(Planned Residential Development – Conditional Zoning
District) based on the site plan submitted by the applicant,
[dated April 29, 2022] and the conditions listed therein and
presented at this meeting and subject to the following:For R
I move Plannin
ordinance amend
undersonville
subject property
(Planned Residential
Development – Conditional Zoning
District) based on the site plan submitted by the applicant,
[dated April 29, 2022] and the conditions listed therein and
presented at this meeting and subject to the following:For R
I move Plannin
ordinance amend
undersonville
subject property
(Planned Residential
District) based

1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan.

[for amendments to uses or conditions discussed and agreed upon in the Council meeting and not yet represented on site plan submitted by the applicant please use the following language, disregard if not needed]

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

[list any additional permitted uses or conditions]

3. 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 because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

4. We <u>find</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public comment, and because:

For Recommending Denial:

I move Planning Board recommend the denial of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9569-95-7758, 9569-95-5941 and 9569-96-4013) from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant

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 because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

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

- 1. The site plan does not address the recommended mitigations from the traffic impact analysis to address traffic congestion caused by this development.
- 2. The proposed site is wooded. If developed as proposed, it would not result in clustered development which preserves significant existing mature trees / woodlands which serve as a community-defining natural feature.

[DISCUSS & VOTE]

1.	The development would provide 45
	"affordable" rental units (for 10 years) for
	those with household incomes at 80% AMI or
	less. These units would help to fill the need
	for affordable housing which currently has a
	projected gap (shortage) of approximately
	between 1,329 – 1,622 units in Henderson
	County according to the 2021 Housing Needs
	Assessment (Bowen Study).
2.	The development would provide 87 "market-
	rate" rental units. These units would help
	reduce the rental housing gap estimated to be
	between 1,364 and 1,722 units needed within
	Henderson County to satisfy demand
	according to the 2021 Housing Needs
	Assessment (Bowen Study).
3.	The applicant is dedicating +/- 0.59 Acres of
	right of way at the intersection of Signal Hill
	and Duncan Hill Road to facilitate future
	NCDOT road improvements.
4.	The area in proximity to the subject property
	includes similar and comparable
	development, including multi-family
	residential within 0.25 miles of the project.
5.	This development would serve as a transition
	between the US-64 commercial corridor and
	the lower density residential northeast of
	Signal Hill Rd / Berkeley Rd.
	[DISCUSS & VOTE]

SUMMARY: The City of Hendersonville is in receipt of an application for a conditional rezoning from Leah Bergman of Lee Ray Bergman LLC. The applicant is requesting to rezone the subject property, PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 and located between Duncan Hill Road and Signal Hill Road, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 132 apartment units on approximately 8.66 acres - a density of 15.24 units per acre.

The site plan shows 6 - 3-story multi-family structures, a club house and a pool. The total footprint of buildings is 52,242 Sq Ft. The total Gross Floor Area proposed is 150,636 Sq Ft. This includes 12 - 3-bedroom units, 72 - 2-bedroom units and 48 - 1-bedroom units.

The site would have access from Duncan Hill Road and Signal Hill Road.

PROJECT/PETITIONER NUMBER:	P21-79-CZD
PETITIONER NAME:	 Leah Bergman of Lee Ray Bergman LLC [Applicant] Lee Ray Bergman LLC [Owner]

	1. Staff Report
ATTACHMENTS:	2. Proposed Site Plan
	3. Neighborhood Compatibility Meeting Summary
	4. Tree Board Summary
	5. Proposed Zoning Map
	6. Draft Ordinance
	7. Application / Owner Addendum

<u>REZONING: CONDITIONAL REZONING - DUNCAN TERRACE (P21-79-CZD)</u> <u>CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT</u>

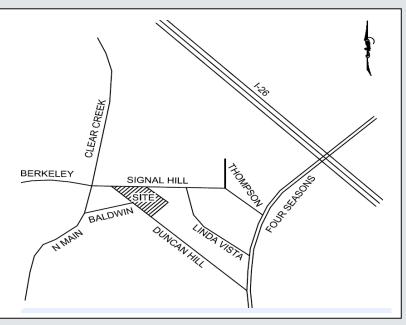
PROJECT SUMMARY	2
EXISTING ZONING & LAND USE	3
SITE IMAGES	
SITE IMAGES	5
SITE IMAGES	6
SITE IMAGES	7
REZONING HISTORY	8
FUTURE LAND USE	9
REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) I	0
REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) I	I
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) I	2
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT I	3
STAFF SITE PLAN REVIEW – SUMMARY COMMENTS I	4



Page J

PROJECT SUMMARY

- Project Name & Case #:
 - o Duncan Terrace
 - P21-79-CZD
- Applicant & Property Owner:
 - Leah Bergman of Lee Ray Berman LLC. [Applicant]
 - Lee Ray Berman LLC [Owner]
- Property Address:
 - o 710 Duncan Hill Road
- Project Acreage:
 - 8.66 Acres
- Parcel Identification (PIN):
 - o **9569-95-7758**
 - o **9569-95-5941**
 - o 9569-96-4013
- Current Parcel Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Proposed Zoning:
 - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
 - o Residential dwelling, multi-family
- Neighborhood Compatibility Meeting:
 December 9th, 2021
- Future Land Use Designation:
 o High Intensity Neighborhood



SITE VICINITY MAP

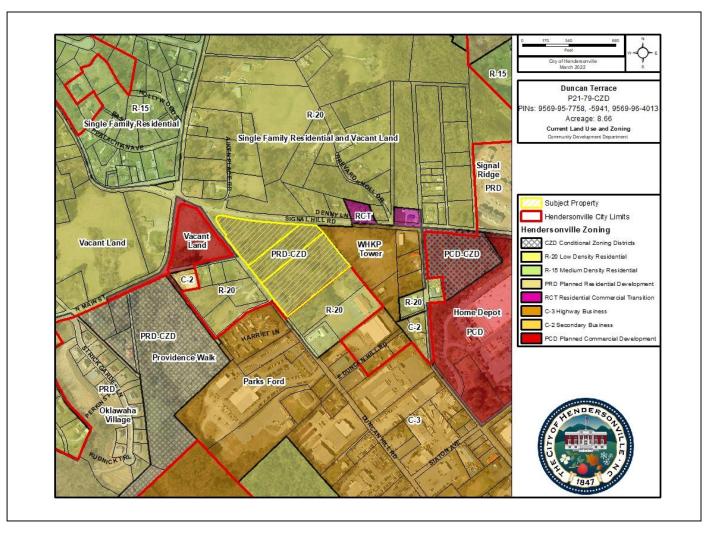
The City of Hendersonville is in receipt of an application for a conditional rezoning from Leah Bergman of Lee Ray Bergman LLC. The applicant is requesting to rezone the subject property, PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 and located between Duncan Hill Road and Signal Hill Road, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 132 apartment units on approximately 8.66 acres. This equates to a density of 15.24 units per acre.

The site plan shows 6 - 3-story multi-family structures, a club house and a pool. The total footprint of buildings is 52,242 Sq Ft. The total Gross Floor Area proposed is 150,636 Sq Ft. This includes 12 - 3-bedroom units, 72 - 2-bedroom units and 48 - 1-bedroom units.

The site plan proposes access from Duncan Hill Road and Signal Hill Road.

Page Z

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Planned Residential Development Conditional Zoning District. The parcel is surrounded by a variety of zoning classifications and uses. The residential uses in this area range from single family neighborhoods to a mobile home community. The Commercial uses in this area range from a telecommunication tower to a UPS distribution center.

Parcels to the north, across Signal Hill Rd and Berkeley Rd are zoned R-15 Medium Density Residential, R-20 Low Density Residential and RCT- Residential Commercial Transition. This area is largely made up of single-family lots, vacant land and single-family homes converted into commercial uses. Parcels to the east primarily contain commercial uses. This area contains the Home Depot, WHKP radio tower and the under-construction Signal Hill Mini Storage. Parcels to the south are mostly comprised of commercial uses and C-3 zoning. Parcels to the west are zoned PCD, Planned Commercial Development (Eastside Meadows – which was never constructed but an NCM has been held for a potential multifamily development on this site), PRD Planned Residential Development (Providence Walk and Oklawaha Village) and R-20 Low Density Residential.

Page 3

SITE IMAGES



View of existing single-family home on the site (710 Duncan Hill Road) *To be demolished, if approved*



View from the southern point of the property looking northwest

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Interior view of the site looking northeastward



View of the WHKP tower from the property

SITE IMAGES



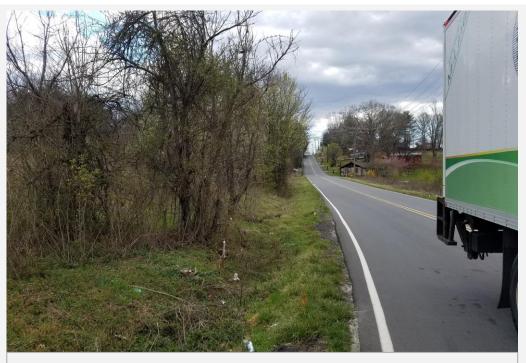
Interior view of the site looking westward



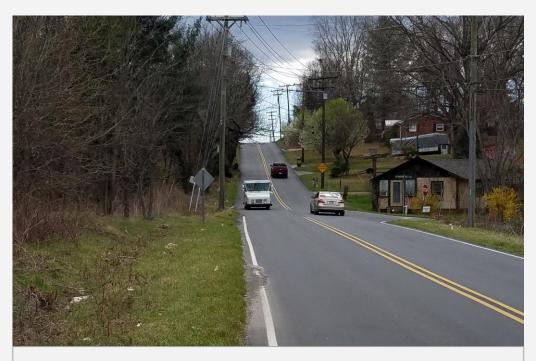
View from where the subject property abuts Signal Hill Road looking westward

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SITE IMAGES



View from the intersection of Signal Hill and Duncan Hill Roads looking southeast along Duncan Hill Road



View of Baldwin Hill Avenue and Duncan Hill Road intersection

Page 7

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
Approved March 4 ^{th,} 2021 P20-48-CZD R-20 Low Density Residential to PRD-CZD Planned Residential Development Conditional Zoning District	8.66 acres multi-family development containing 84 units. The project was tied to a Low-Income Housing Tax Credit application that did not receive tax credits.	Preliminary plan approved by City Council- Final site plan never submitted for staff review.

Minutes from the City Council meeting: <u>https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-56eb57685a524f15a2cf7030399c3f70.pdf</u>

Duncan Terrace

Units/Building- 84 units. 9.7 Units per acre.

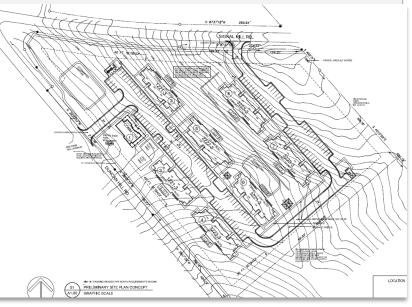
- 7 3-story multi-family buildings. Each building contained 12 units.
- 1 Community Center
- 40,977 Sq Ft of Building Footprint
- 105,776 Sq Ft of GFA

Conditions of Approval:

- The Duncan Hill Road entrance/exit will be realigned to match Baldwin Hill Ave.
- Make all reasonable efforts to preserve the three (3) existing trees in front of the existing single-family home at 710 Duncan Hill Road.
- Exterior site lighting should be in accordance with the International Dark Sky Association's recommendations subject to any ADA and the North Carolina Housing Finance Agency requirements.

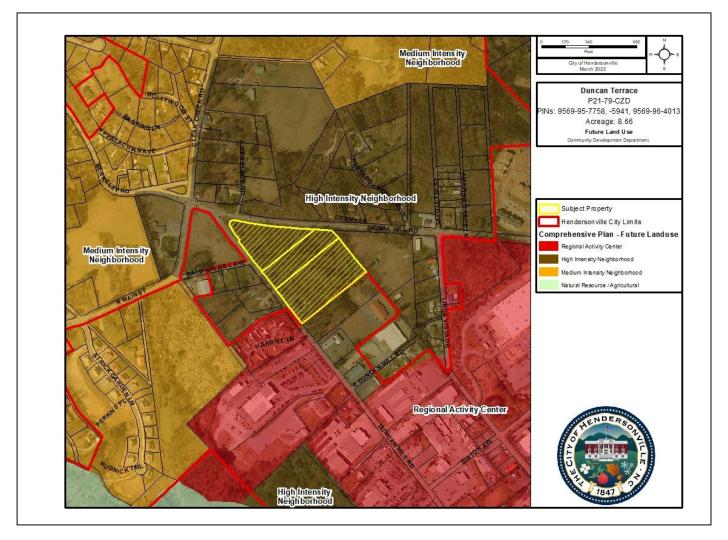
Uses:

- Residential dwellings, multifamily
- Accessory structures
- Parks
- Home Occupations
- Customary accessory uses



Page **8**

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The site is designated as High Intensity Neighborhood. This designation is due to this parcel being located between a Regional Activity Center (Duncan Hill Road and US 64) and Medium Intensity Neighborhood (Clear Creek Road) This area is intended to serve as a transition between the high intensity commercial uses along the US 64 corridor and the single-family neighborhoods to the north (Windsor Hills). And to serve as a node of higher density residential around an intersection of minor thoroughfares.

Parcels to the north are designated as Medium Intensity Neighborhood and High Intensity Neighborhood. Other than the Signal Ridge Apartments, most parcels designated as High Intensity Neighborhood do not currently reflect the goals or strategies for this designation. This area is largely comprised of single-family homes and vacant land that reflect the current R-20 zoning. Parcels to the east are designated as High Intensity Neighborhood and Regional Activity Center. This area has a mix of housing types and commercial use. The parcels to the south are designated as Regional Activity Center and High Intensity Neighborhood. Parcels to the west are designated as High Intensity Neighborhood and Medium Intensity Neighborhood.

Page.

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

	Goal LU-7 High Intensity Neighborhood:
	"Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods" [CONSISTENT] Strategy LU-7.1. Locations:
	 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: Areas surrounding Regional Activity Centers [CONSISTENT]
	Strategy LU-7.2. Primary recommended land uses:
Future Land Use	 Single-family attached and multi-family residential [CONSISTENT] Planned Residential Developments [CONSISTENT] Open space [CONSISTENT]
	Strategy LU-7.3. Secondary recommended land uses:
	• Recreational amenities [CONSISTENT]
	Strategy LU-7.4. Development guidelines:
	 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 [CONSISTENT]
	 Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT (elevations not required)]
	 Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [CONSISTENT]
	The property is designated as a " Priority Infill Area " on the Growth Management Map (Map 8.3a). "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]
Land Use & Development	A portion of the project area is identified as a " Development Opportunity " in the Comprehensive Plan's Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]

 $_{\rm Page} 10$

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

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GENERAL REZO	NING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY
	Strategy PH-1.1 Promote compatible infill development.
Population & Housing	 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. Action PH-2.2.2. Support development proposals that mix subsidized housing with market rate housing Strategy PH-3.1 Establish neighborhood design guidelines that promote safe walkable and bikeable neighborhoods while accommodating the automobile. Action PH 3.1.2 Encourage public space design features that calm traffic and provide space for pedestrian gathering and circulation.
Natural & Environmental Resources	 Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment. Action NR-2.1.1 Maintain density bonuses that allow additional density in return for open space preservation.
	 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-2.3.2 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects. Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	 Strategy CF-6.1 Encourage community open-space or play areas in new or redeveloped residential neighborhoods. Action CF-6.1.1 Incorporate recreational amenity requirements and/or incentives in the Planned Residential Development District. Action CF-6.1.2 Maintain open space set-aside standards and incentives in the Planned Residential Development District
Water Resources	 Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	 Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community Strategy TC-3.4. Improve roadways as needed to implement the land use vision and meet level-of-service requirements. (Duncan Hill Road is included)

Page 1

GENERAL REZONING STANDARDS		
	Is the proposed rezoning compatible or incompatible with surrounding uses?	
Compatibility	 Two apartment complexes are currently within 0.25 miles of the subject property (Signal Ridge and Oklawaha Village). Signal Ridge Multi-family- 72 units on 7 acres- 10.29 units per acre. Oklawaha Village Multi-family- 78 units on 6.43 acres- 12.13 units per acre. This area is designated to serve as a high-density transition between commercial uses and single-family neighborhoods in the Comprehensive plan. An 84-unit apartment complex with a similar layout and design is already permitted on this site with conditions. Much of the existing development northeast of the site is single-family detached housing. 	
	Highlight any changed conditions, on surrounding property, etc. that suggest a	
Changed Conditions	rezoning is appropriate. The site is currently associated with a Conditional Zoning District that approved 84 multi-family units. The previous project was associated with Low-Income Housing Tax Credits and did not get funding. The current developer does not want to develop in accordance with the previously approved Conditional Zoning District. They are also not pursuing LIHTC funding. Additionally, 93 single-family homes off on N. Main St (Providence Walk) were approved in 2021 and site work has begun on this project.	
	Are there public interests or benefits that would be derived for the greater	
Public Interest	population from the rezoning?This project is proposing to be a mix of market rate (87 units) and "affordable" (80%AMI) apartments (45 units).Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina,Henderson County has an estimated rental housing gap of 1.650 to 2.008Units forincomes between <50%-120% AMI. Between 1,389 – 1,682 units within the gap are	
Public Facilities	 Are there public facilities that can support the proposed rezoning, water, wastewater, fire and police, schools, and transportation? The development is proposing to use City of Hendersonville water and sewer. A sewer lift station is proposed. A water-sewer availability request has not been issued for this project. The Water-Sewer Dept has indicated that a pump station would not be permitted for this site. The site is also accessed by 2 NCDOT maintained roads. The developer is extending sidewalks off their property on Duncan Hill and Baldwin Hill Roads in order to meet Density Bonus requirements and to foster better pedestrian connections. They will also be providing internal sidewalks and sidewalks along some frontages. The property will be served by City Police and Fire 	
Effect on Natural Environment	Would the proposed amendment result in "significantly adverse impacts" on the natural environment? Some of the site is currently greenfield, new development reflects a significant increase in impervious surfaces. The site is currently wooded. A significant number of mature trees would be lost if developed. The developer will have to provide stormwater control measures for the site.	

 $_{\rm Page} 12$

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

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 development would provide 45 "affordable" rental units (for 10 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately between 1,329 – 1,622 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study).
- The development would provide 87 "market-rate" rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements.
- The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project.
- This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd.

DRAFT [Rational for Denial]

- The site plan does not address the recommended mitigations from the traffic impact analysis to address traffic congestion caused by this development.
- The proposed site is wooded. If developed as proposed, it would not result in clustered development which preserves significant existing mature trees / woodlands which serve as a community-defining natural feature.

STAFF SITE PLAN REVIEW - SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- The site plan accompanying this petition contains the following provisions:
 - I32-Unit Apartment Development on 8.66 Acres (Density = 15.24 Units/Acre)
 - 6 3-story buildings (34.67' Height*)
 *measurement not based on zoning code standards
 - o 150,636 Sq Ft of Gross Floor Area
 - Bedroom units
 - 48 I-Bedroom Units
 - 72 2-Bedroom Units
 - 12 3-bedroom Units
- Requested Uses:
 - Residential, Multi-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - Dedicate +- 0.59 Acres of land to NCODT as depicted on the site plan to permit future road upgrades to Duncan Hill and Signal Hill Roads.
 - Make 25% of rental units available to residents at or below 80% Aera Median Income (AMI) for the initial 10 years that the buildings are in service. The developer shall provide an annual report to the City of Hendersonville to prove compliance with this requirement.
 - Developer Proposed Conditions:
 - The developer is requesting that a Density Bonus be granted by City Council for this project in accordance with section 5-14-5 Density Bonus of the Zoning Ordinance. [see comments below]
 - Developer shall be granted permission to serve the development with a sanitary sewer lift station to pump to gravity lines at the crest of Duncan Hill Road. Once sewer has been run to the site, developer will tie into City sewer. [Water-Sewer Dept has indicated that the site cannot be served by a lift station]

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 Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
 - Parking spaces are 9'x20' exceeding the minimum site requirements. [resolved]
 - \circ Some plants on the proposed landscaping plan are not on the City's

Page 14

recommended species list. [resolved]

- The height is not measured correctly to the mean point of the gabled roof from the average elevation at the base of the structures. If accurate height measurement exceeds 35' then a height exemption will be needed. [resolved]
- The developer is requesting a density bonus. City Council can grant a density bonus if the following standards are met.
 - The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan.
 - Duncan Hill Road is a minor throughfare on the comprehensive transportation plan. [standard satisfied]
 - Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan.
 - Duncan Hill Road is a minor throughfare. [standard satisfied]
 - Signal Hill Road is designated as a local street on the comprehensive plan [see staff recommended condition].
 - The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway. {Please see the City of Hendersonville Traffic Consultant comments].
 - The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities.
 - The developer is fostering pedestrian access to places of employment by extending sidewalks off their site down Duncan Hill Road to connect with existing sidewalks. A plan for this is shown in your packet. [standard satisfied]
 - The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed.
 - The developer is required to provide 15.23%. they are providing 18.1%. [standard satisfied]
 - Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.
 - The developer is proposing 15.23 units per acre. [standard satisfied]

Proposed City-Initiated Conditions:

 Allow a right in, right out access onto Signal Hill Road even though Signal Hill Road is not designated as a boulevard or throughfare as required in section 5-14-5 (b) Density Bonus. [Developer Agreed]

Page 1.

 Allow the developer to construct sidewalks along Baldwin Hill Avenue to tie into Providence Walk's future sidewalk network instead of constructing sidewalks between the driveway accesses on Duncan Hill and Signal Hill Roads due to the probability of those sidewalks being removed when NCDOT makes improvements to Duncan Hill and Signal Hill Roads. [Developer Agreed]

CITY ENGINEER

Site Plan Comments:

o None

Proposed City-Initiated Conditions:

• None

WATER & SEWER

Site Plan Comments:

- The Site Plan indicates that a Private Lift Station is proposed for this site.
- An Availability Request was received on May 3, 2022 and is currently under review.
- The following comments were provided in regards to the previously approved project at this site:
 - The City requires that all development be served by gravity sewer instead of pump stations, where feasible. It appears gravity sewer service is feasible for this project. On the water side, if the plan is to master meter the development, a public water main extension should not be required.
 - The parcels do affirmatively have frontage that abuts ductile iron water mains on Signal Hill Rd (8" DIP) and Duncan Hill Rd (12" AC). Obtaining water service for these parcels may not require an extension. The parcels do <u>not</u> have frontage that abuts a public sewer main and would require an extension for service. There is an 8" public gravity main approximately 2,100 ft to the west along Halford Dr. Connection to sewer may require the owner to apply for voluntary annexation.

Response to Developer-Proposed Condition:

• A lift station will not be permitted at this site.

FIRE MARSHAL

Site Plan Comments

• Final site plans will require location of FDC's and hydrants.

Proposed City-Initiated Conditions:

o None

STORMWATER ADMINISTRATOR

Site Plan Comments:

o None

Proposed City-Initiated Conditions:

• None

FLOODPLAIN ADMINISTRATOR

- Site Plan Comments:
- \circ None
- **Proposed City-Initiated Conditions:**
- None

PUBLIC WORKS DIRECTOR:

- Site Plan Comments:
- o None

Proposed City-Initiated Conditions:

 \circ None

NCDOT

Site Plan Comments:

- Increase island size for the right in, right out to deter people from turning left [Address at Final Site Plan].
- Will need a sidewalk encroachment from NCDOT

Proposed City-Initiated Conditions:

o None

TRANSPORTATION CONSULTANT

The proposed development is anticipated to generate 1,123 Daily Trips, 72 AM peak hour trips, and 87 PM peak hour trips per the ITE Trip Generation Manual, 10th Edition. The daily trips calculation triggered the threshold of 1,000 daily trips to require a TIA (Section 6-18). The City's Transportation Consultant (Jonathan Guy, Kimley-Horn) provided the following feedback on the TIA submitted by the development team:

 Based on a technical review of the TIA report submitted by the applicant on March 8th 2022, the City's traffic consultant provided his formal review which required revisions on behalf of the applicant. Those revisions were submitted on April 13. The revised TIA was reviewed and comments were again received by the City's Transportation Consultant. Due to the nature of the TIA many of the revisions were technical in nature and are not included in this synopsis. The comments ranged from low, moderate and high impact. All high and moderate impact comments are listed below. These comments reflect major corrections that are needed in order for the City to find the TIA acceptable.

• Technical Observations From Traffic Consultant:

 In Tables 5-8, the column headers should be revised to specify whether "Queue Length" refers to Synchro or SimTraffic outputs. [Moderate Impact] Page 1.

- Latest Review Comment: This has been corrected in the text but not in an appropriate manner. Reviewing the data contained in the Appendix shows that the queues listed are Simtraffic Max queues, even though the footnote added indicates they are from Synchro. The tables match the data contained in the Appendix except for the intersection of N. Main Street and Signal Hill Road. For this intersection the engineer used a mixture of Synchro 95th and Simtraffic max queues. The approaches vary across the horizon years for which this is done. NCDOT guidelines ask that both Synchro 95th and Simtraffic max be provided in the appendix and reviewed to recommend the queue. The tables should be corrected to show a consistent source and the footnote updated accordingly. Data sources should not be mixed without justification on why.
- In Tables 5-8, it is unclear which approach measures of effectiveness are reported for major street left-turn movements (i.e., at unsignalized intersections). A footnote should be added to clarify and aid the reader in interpreting the results of the analysis. [Moderate Impact]
 - Latest Review Comment: This has not been corrected.
- Figure II is not legible [Moderate Impact]
 - Latest Review Comment: This needs to be addressed quickly to review the data contained in the TIA.
- Background PM Queuing and Blocking Report not included in the Appendix [Moderate Impact]
 - Latest Review Comment A complete TIA including the Appendix is needed to review the TIA.
- The trip distribution shown in Figure 8 does not appear appropriate based on existing traffic patterns and surrounding land uses. Consider revising the trip distribution to assign more traffic to and from I-26/US 74 (to the east) and the City of Hendersonville (to the south) while reducing assignment to Berkeley Road (to the west) and Clear Creek Road (to the north). [High Impact]
 - Latest Review Comment: Based on feedback from NCDOT, we concur on the premise that NCDOT stated the distribution and assignment is reasonable. Future submissions should obtain both NCDOT and City of Hendersonville concurrence on the distribution and assignment.
- On Page 33, the TIA report states that "no significant increase in queue length is expected at the study intersections...". However, the results presented in Table 8 indicate the following:
 - Queues on the westbound approach at Duncan Hill Road/Signal Hill Road increase by 302 feet (140%) during the PM peak hour.
 - Queues on the northbound approach at N Main Street/Baldwin Avenue are negligible under No-Build conditions but nearly 600 feet under the 2023 Build scenario during the PM peak hour.
 - Queues on the westbound (site access) approach at Duncan Hill

Road/Baldwin Avenue exceed 320 feet during the PM peak hour, equivalent to approximately 13 passenger car lengths. If realized, these results indicate that up to 41% of all trips exiting the site during the PM peak hour will be in queue at the height of congested conditions.

- Latest Review Comment: It should be noted that the Engineer deleted the sentence noted above but has not offered any mitigation in the TIA to address the queuing outlined in the bullets listed above in the report. Each are addressed below:
 - Westbound approach at Duncan Hill/Signal Hill in the PM peak hour the TIA reports the existing queue as 447 ft but shows a decrease to 177 (270 ft decrease) in the background conditions, and a queue of 216 with the buildout conditions (addition of site traffic). A review of the analysis files contained shows that the splits change between each of the scenarios analyzed. While it is beneficial to show that signal timing changes can improve operations, a comparison between the background and build scenarios should stay consistent. The report should detail variations in timing and scenarios.
 - The analysis shown in the TIA from Table 8 shows and increase in queues for the Northbound approach from 194 ft to 593 ft in the PM peak hour. The TIA does not recommend mitigation for this increase in queues.
 - The Northbound approach at Duncan Hill and Baldwin Ave in the PM peak hour in Table 8 shows a significant reduction in the queuing from 718 ft in the existing peak hour to 100 in the background horizon year, and then 0 ft with the addition of site traffic in the build horizon year. Justification for the significant reduction in queuing should be provided.
 - Throughout the Table 8 the analysis depicts a reduction of queuing from the existing to the background scenario. Clarification on why this is occurring should be provided by the traffic engineer.
- In light of the queue length observations noted above and presented in Table 8, additional improvements should be considered to accommodate projected site traffic. [High Impact]
- The turn lane warrant analysis presented on Page 30 and in Figure 12 does not consider right-turn lane warrants, nor does it include all unsignalized intersections within the study area. The turn lane warrant analysis should be revised to include right-turn lane warrants, and the intersections of N Main Street with Baldwin Avenue and Signal Hill Road with Duncan Hill Road should be included in the analysis. [High Impact]
 - Latest Review Comment: This has been included in the TIA. A review of the turn lane warrants shows a need for a turn lane between 25 ft and ft feet in length during the PM peak hour for Access #I with Duncan Hill Road. Furthermore, a turn lane warrant

Page L

was only provided for Access I and not Access 2 on Signal Hill Road. A turn-lane warrant for Access 2 needs to be provided.

- The traffic signal at the intersection of N Main Street with Signal Hill Road is modeled as actuated-coordinated but operates free (i.e., uncoordinated) per the signal plan provided in Appendix D. Consider revising the analysis files accordingly. [Moderate Impact]
 - Latest Review Comment: This was not addressed in the analysis.

• Additional Observations from Revised TIA:

- On Page 5, the posted speed limit on Duncan Hill Road is specified as 30 mph, but Google Street View and NCDOT GIS data suggests that the speed limit is posted at 35 mph. Confirm and correct the speed limit in the report text and analysis files as appropriate. [Moderate Impact]
 - Latest Review Comment: Cannot verify as the synchro reports provided do not contain the speed limits and no synchro files were provided with this submittal.

• **Conclusions:**

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- Based on a technical review of the TIA as submitted, there are still several items that are outstanding that have not been addressed within the TIA. Therefore, the following measures are recommended to mitigate the impact of the proposed development.
 - Duncan Hill Road at Site Access #1
 - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper.
 - Signal Hill Road at Access #2 RIRO
 - Provide for a Eastbound right turn lane with 25 ft of full width storage and an appropriate taper.
- The improvements recommended above would be in lieu of the recommended mitigation of a 75 ft long right turn lane at the intersection of N. Main Street and Signal Hill Road as well as the turn lane need shown in the turn lane warrants for Access #1.

Proposed City-Initiated Conditions:

- Revise TIA to address outstanding comments [Developer Agreed]
- Require the developer construct the proposed traffic mitigations from the TIA.
 - Site Access #1
 - Construct Access I as with shared left/right egress lane and one ingress lane. [Developer Agreed]
 - Duncan Hill Road at Site Access #I
 - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]
 - Signal Hill Road at Access #2 (RIRO)
 - Provide for a Eastbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]

Page 2 (

TREE BOARD Site Plan Comments & Recommended Conditions:

See attached Tree Board Summary

for Duncan Hill Rd.

Site Development Plans **DUNCAN TERRACE** APARTMENTS Hendersonville, North Carolina

DESCRIPTION

TITLE SHEET SITE PLAN UTILITY PLAN TREE PLAN TREE SCHEDULE EXISTING CONDITIONS PLAN EXISTING CONDITIONS W/ SITE PLAN OVERLAY OFFSITE SIDEWALK PLAN

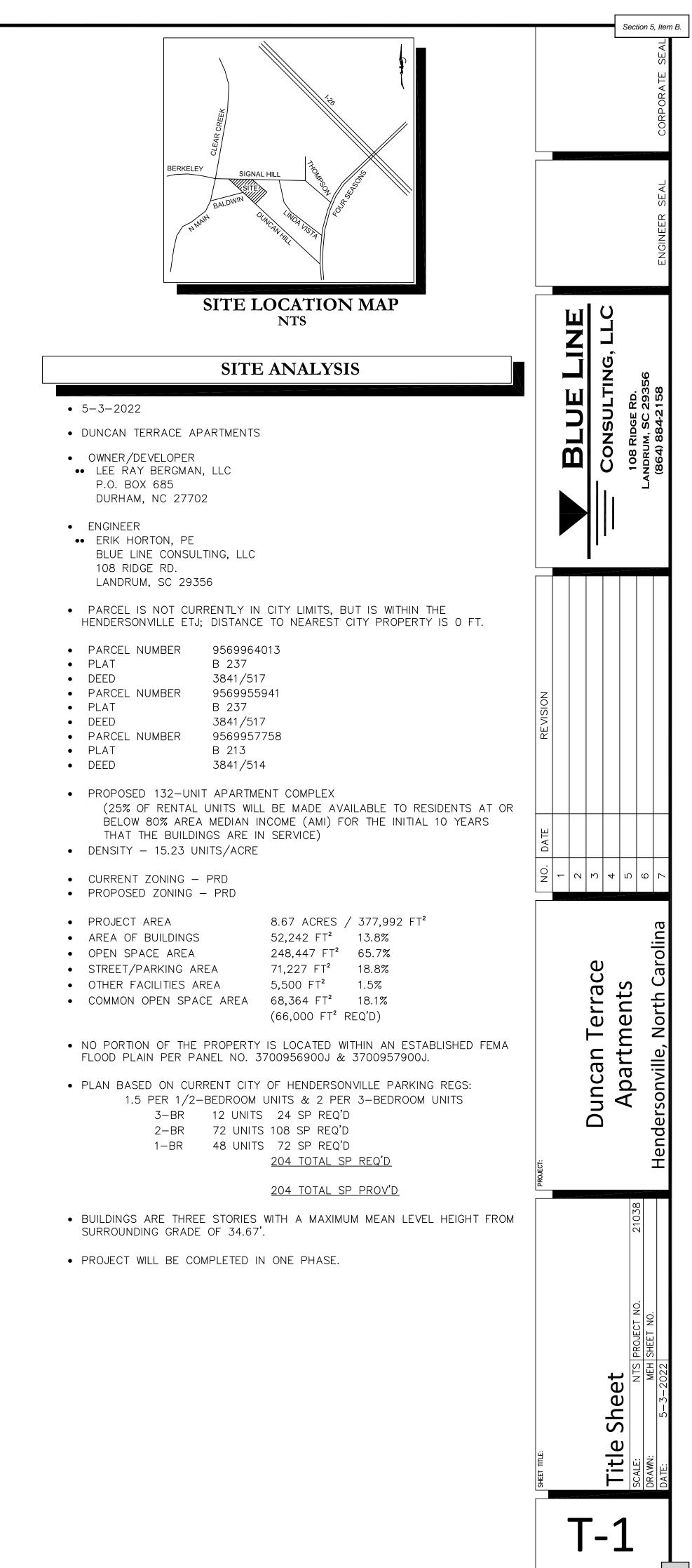
DEVELOPER PROPOSED CONCESSIONS DEDICATE +- 0.59 ACRES (+- 25,879 SQUARE F AS DEPICTED ON THE SITE PLAN TO ALLOW F ROAD UPGRADES TO DUNCAN HILL AND SIGN DEVELOPER WILL MAKE 25% OF RENTAL UNIT **RESIDENTS AT OR BELOW 80% AERA MEDIAN**

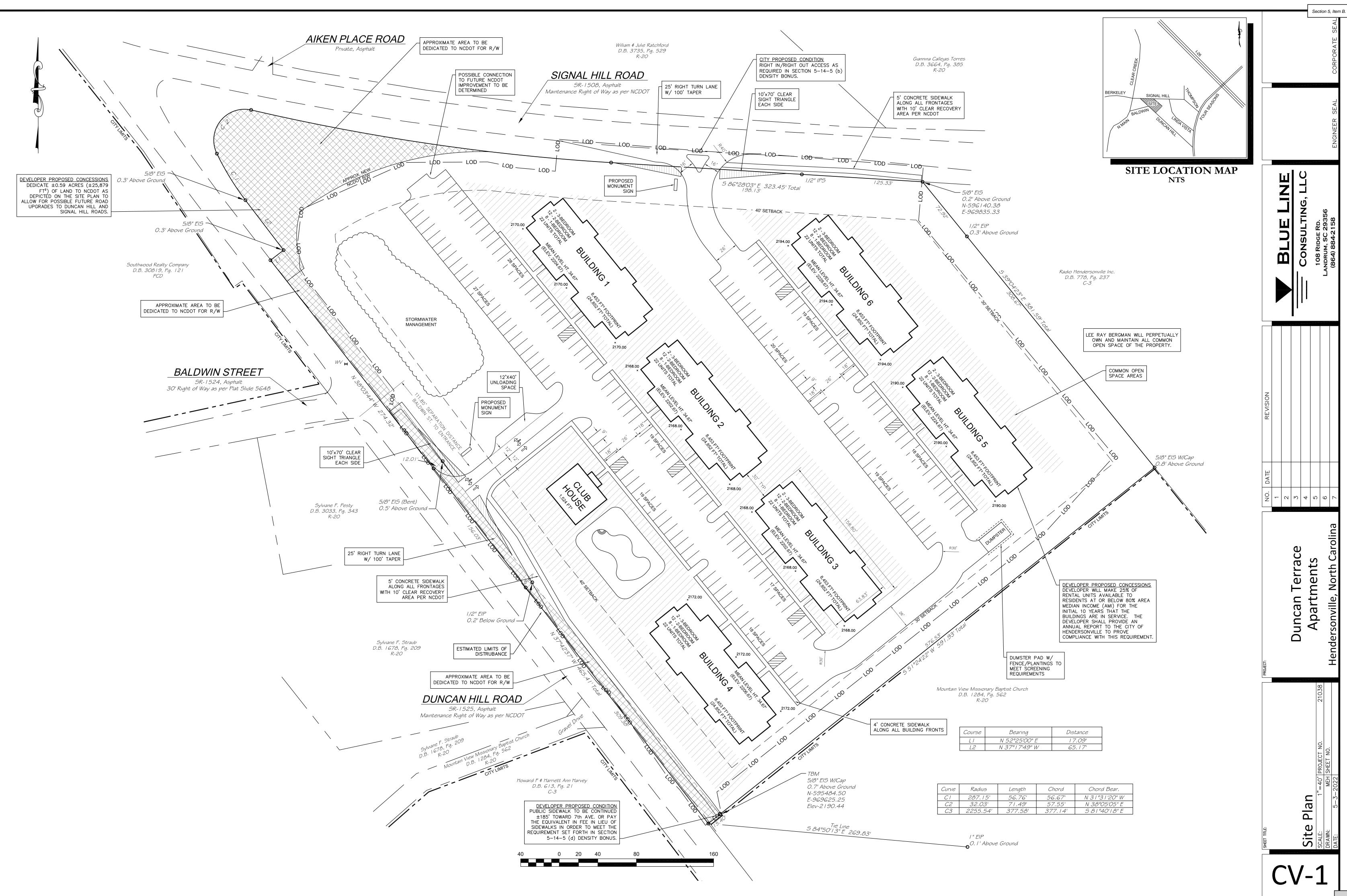
INITIAL 10 YEARS THAT THE BUILDINGS ARE IN DEVELOPER SHALL PROVIDE AN ANNUAL REF HENDERSONVILLE TO PROVE COMPLIANCE W INDEX

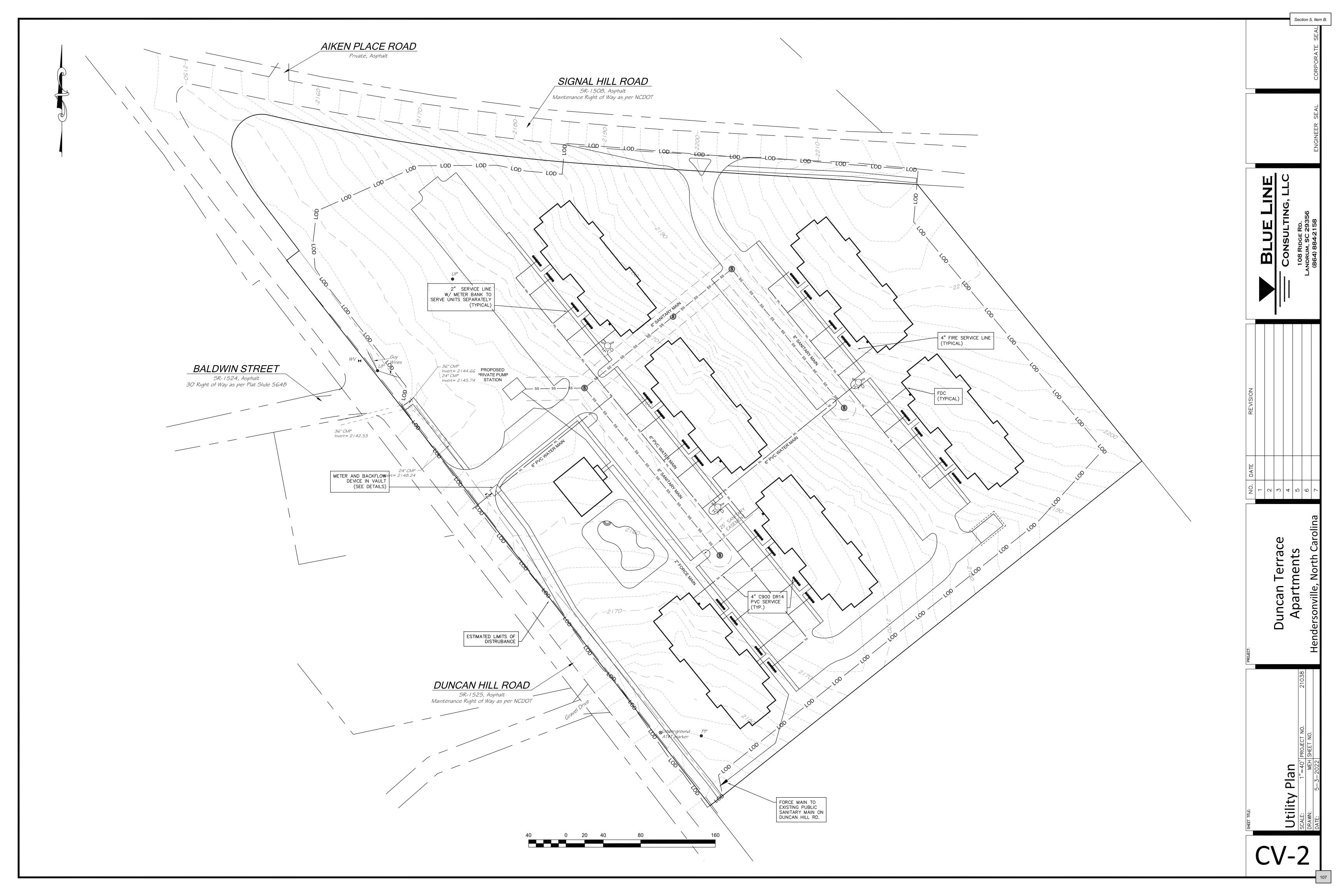
SHEET

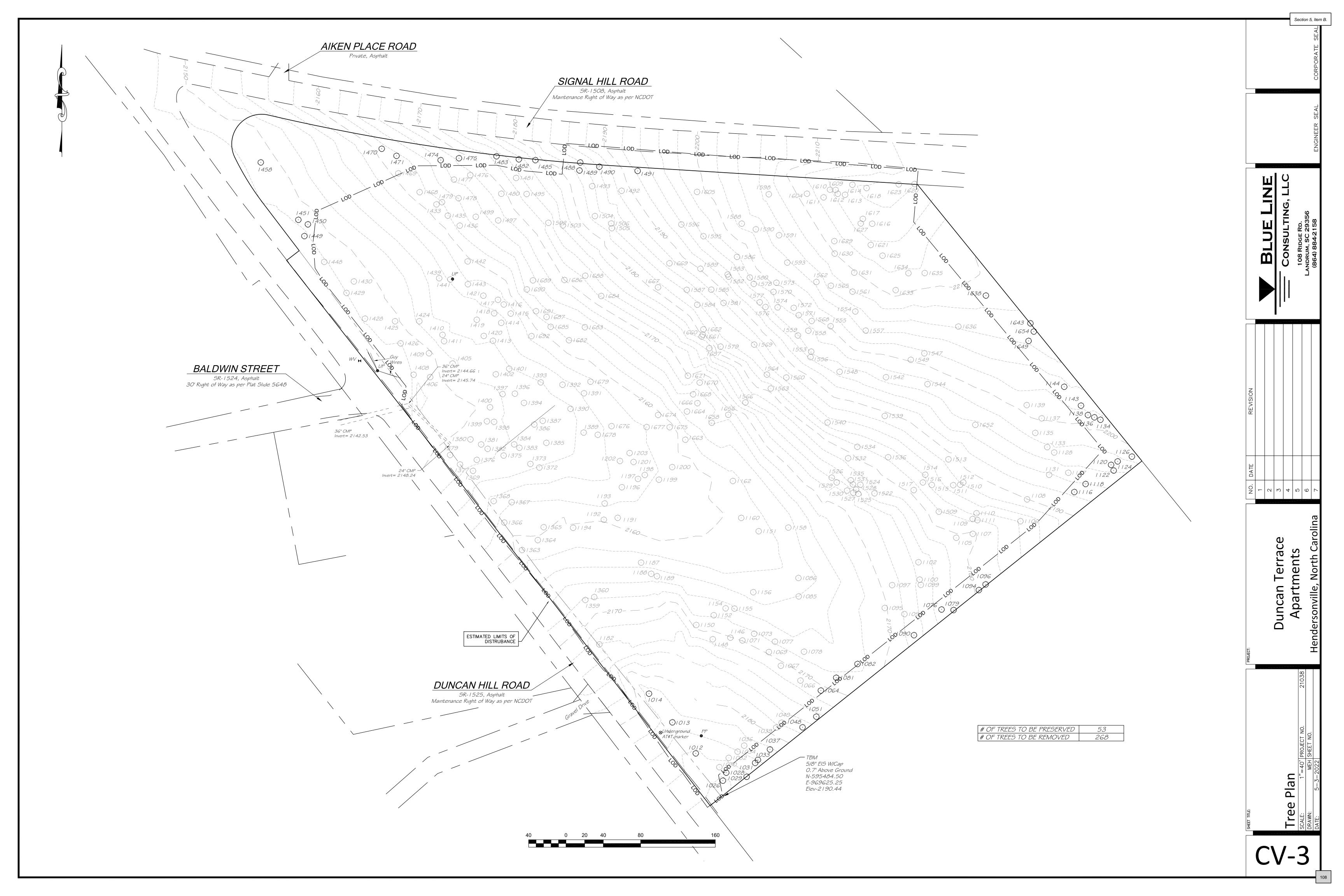
T-1
CV-1
CV-2
CV-3
CV-4
CV-5
CV-6
CV-7

	CONDITIONS
FEET) OF LAND TO NCODT FOR POSSIBLE FUTURE NAL HILL ROADS.	• DEVELOPER SHALL BE GRANTED A DENSITY BONUS IN ACCORDANCE WITH 5-14-5 OF THE ZONING ORDINANCE. THE DENSITY BONUS SHALL ALLOW A DENSITY OF 15.23 UNITS PER ACRE.
ITS AVAILABLE TO N INCOME (AMI) FOR THE IN SERVICE. THE PORT TO THE CITY OF WITH THIS REQUIREMENT.	 ALLOW A RIGHT IN, RIGHT OUT ACCESS POINT ONTO SIGNAL HILL ROAD EVEN THOUGH SIGNAL HILL ROAD IS NOT DESIGNATED AS A BOULEVARD OR THROUGHFARE AS REQUIRED IN SECTION 5-14-5 (B) DENSITY BONUS.
	ALLOW THE DEVELOPER TO CONSTRUCT SIDEWALKS ALONG BALDWIN HILL AVENUE TO TIE INTO PROVIDENCE WALK'S FUTURE SIDEWALK NETWORK INSTEAD OF CONSTRUCTING SIDEWALKS BETWEEN THE DRIVEWAY ACCESSES ON DUNCAN HILL ROAD AND SIGNAL HILL ROAD DUE TO THE PROBABILITY OF THOSE SIDEWALKS BEING REMOVED WHEN NCDOT MAKES IMPROVEMENTS TO DUNCAN HILL ROAD AND SIGNAL HILL ROAD.
	REVISE TIA TO ADDRESS ALL OUTSTANDING COMMENTS.
	 REQUIRE THE DEVELOPER TO CONSTRUCT THE PROPOSED TRAFFIC MITIGATIONS FROM THE TIA. N. MAIN STREET AND SIGNAL HILL ROAD. CONSTRUCT A WESTBOUND RIGHT TURN LANE WITH FULL STORAGE. DUNCAN HILL ROAD AND BALDWIN AVENUE / ACCESS 1 CONSTRUCT ACCESS 1 AS WITH SHARED LEFT/RIGHT EGRESS LANE AND ONE INGRESS LANE AND A 100' PROTECTED STEM LENGTH.
	 DEVELOPER SHALL BE GRANTED PERMISSION TO SERVE THE DEVELOPMENT WITH A SANITARY SEWER LIFT STATION TO PUMP TO GRAVITY LINES AT THE CREST OF DUNCAN HILL RD. ONCE PUBLIC SEWER HAS BEEN MADE AVAILABLE TO THE SITE, DEVELOPER WILL CONNECT TO THE PUBLIC MAINS.
	DEVELOPER AGREES TO PLANT FROM THE RECOMMENDED SPECIES LIST AND WILL PROTECT PRESERVED TREES FROM CONSTRUCTION ACTIVITIES AS PRESCRIBED IN ZONING CODE 15-4c.
	DEVELOPER WILL PLANT ON SITE 87 TREES FROM THE RECOMMENDED SPECIES LIST.
	A VEGETATIVE PLANTING PLAN AROUND THE STORMWATER POND WILL BE IMPLEMENTED ALONG WITH THE FINAL SITE PLAN.









Point	Description
1012	12" Maple
1013	36" Maple
1014	32" Maple
1026	30" OAK
1028	20" PINE
1029	14" OAK
1030	14" OAK
1031	12" PINE
1032	I G" OAK
1033	I O" PINE
1034	I O" PINE
1036	I G" PINE
1037	24" OAK
1039	I 2" PINE
1040	12" PINE
1048	I G" OAK + I O" LOCUST
1051	I 2" PINE
1064	I O" PINE
1066	I 8" POPLAR
1067	16" OAK
1069	18" OAK
1071	18" OAK
1073	10" LOCUST
1076	20" PINE
1077	I O" HICKORY
1078	I O" HICKORY
1079	22" OAK
1081	I O" POPLAR
1082	12" + 10" POPLAR
1085	30" OAK
1086	1 4" PINE
1090	I O" POPLAR
1093	I O" POPLAR
1094	12" MAPLE
1095	I O" POPLAR
1096	I O" POPLAR
1097	I O" MAPLE
1099	30" PINE
1100	
1102	14" POPLAR 20" OAK
1105	<u>30" OAK</u>
1106	22" OAK
1107	10" + 20" MAPLE
1108	18" POPLAR x 3
1109	26" OAK 20" PINE
1110	20" PINE
	1 2" BEECH x 2
1116	1 4" ΟΑΚ 30" ΟΔΚ
1118	<u> </u>
1120	24" OAK 22" OAK
	22OAR 24" MAPLE
1124	
1126	34" PINE + 30" OAK
1127	I O" PINE I O" PINE
1120	I O'' PINE
1131	I O' FINE I O'' PINE

1121	
1134	22" OAK
1135	I O" PINE
1136	40" OAK
1137	I 4" PINE
1138	24" OAK
1139	I 4" PINE
1143	42" + 22" OAK
1144	30" OAK
1146	I O" POPLAR
1148	ΙΟ"ΟΑΚ
1150	1 2" OAK
1151	
1152	20" POP
1154	I 2" HICKORY
1155	I O" HICKORY
1156	I O" POPLAR
1158	I O" PINE
1160	I O" POPLAR
1162	I O" POPLAR
1182	22" POPLAR
1187	
1188	16" OAK x 2
1189	I O" HICKORY
1191	10"OAK
1192	22" OAK
1193	18" OAK
1194	I O" POPLAR
1196	22" POPLAR
1197	26" + 14" MAPLE x 2
1198	I O" HICKORY
1199	1 <i>0" OAK</i>
1200	I O" POPLAR
1201	10" OAK
1202	1 2" BIRCH
1203	I 2" HICKORY
1359	10" OAK x 2
1360	1 4" OAK
1363	
1364	I O" POPLAR
1365	8" OAK
1365	8" OAK 40" OAK
1366	40" OAK
1366 1367	40" OAK 20" CEDAR
1366 1367 1368	40" OAK 20" CEDAR 36" OAK
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Point	Description
1390	8" POPLAR
1391	I 4" HICKORY
1392	I G" HICKORY
1393	I G" HICKORY
1394	I 2" HICKORY
1396	I 6" HICKORY / I 2" HICKORY
1397	8" OAK
1398	1 6" OAK
1399	40" PINE
1400	I O" PINE
1401	1 4" OAK
1402	22" OAK
1404	I G" POPLAR
1405	48" OAK
1406	24" HOLLY
1408	1 2" CEDAR
1409	8" HICKORY
1410	I G" HICKORY
1411	14" CEDAR
1413	+0"OAK
1414	10" OAK
1415	18" OAK
1416	14" OAK / 10" OAK
1417	
1418	16" OAK
1419	I 4" HICKORY
1420	
1421	10" OAK x 2
1424	20" OAK
1425	
1426	8" OAK
1428	
1429	8" OAK
1430	8" OAK
1433	14" OAK x 2
1435	I G" HICKORY
1436	14" OAK
1439	I G" HICKORY
1441	8" PINE
1442	8" OAK
1443	16" OAK / 12" OAK
1448	
1449	6" POPLAR
1450	8" OAK
1451	OAK CLUSTER
1458	OAK CLUSTER
1468	I 4" HICKORY
1469	10" OAK x 2
1470	12" OAK
1471	1 O" OAK
1474	22" POPLAR
1475	40" OAK
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1477	I O" HICKORY
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1470	12" POPLAR / 12" OAK
1475	12" POPLAR
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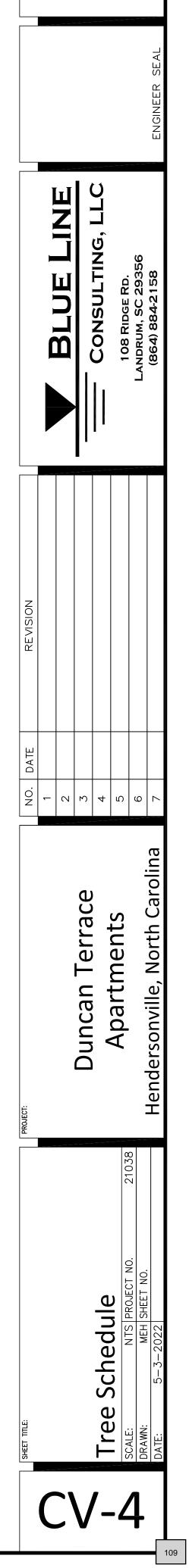
1481	I O" HICKORY
1482	1 2" POPLAR / 1 2" POPLAR
1483	POPLAR CLUSTER
1485	POPLAR CLUSTER
1488	MAPLE CLUSTER
1489	I O" HICKORY
1490	1 0" POPLAR x 2
1491	I 2" POPLAR
1492	I 4" POPLAR
1493	10" OAK
1495	16" OAK
1497	I O" HICKORY
1499	12" OAK
1502	1 <i>0" OAK</i>
1503	I O" HICKORY
1504	I 4" POPLAR
1505	8" POPLAR
1506	I O" HICKORY
1509	
1510	I 4" POPLAR
1511	I O" POPLAR
1512	10" PINE / 12" PINE
1513	I O" LOCUST
1514	1 2" PINE
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1516	I O" POPLAR
1517	I O" POPLAR
1522	40" PINE
1524	12" OAK
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1525	20 OAK 20" OAK x 3
1526	
1528	I O" POPLAR
1529	20" OAK
1530	<u>30" OAK</u>
1531	20" OAK
1532	I O" BIRCH
1534	I 4" POPLAR
1535	20" OAK
1536	I O" PINE
1539	I O" PINE
1540	36" PINE
1542	22" OAK
1544	1 4" PINE
1547	I 4" PINE
1548	22" OAK
1549	I 4" PINE
1553	34" PINE
1554	I 4" PINE
1555	8" PINE
1556	26" OAK
1557	22" OAK
1558	
1559	I 8" HOLLY
1560	36" PINE
1561	20" OAK
1562	8" OAK x 2
1563	I G" PINE
1564	

Point	
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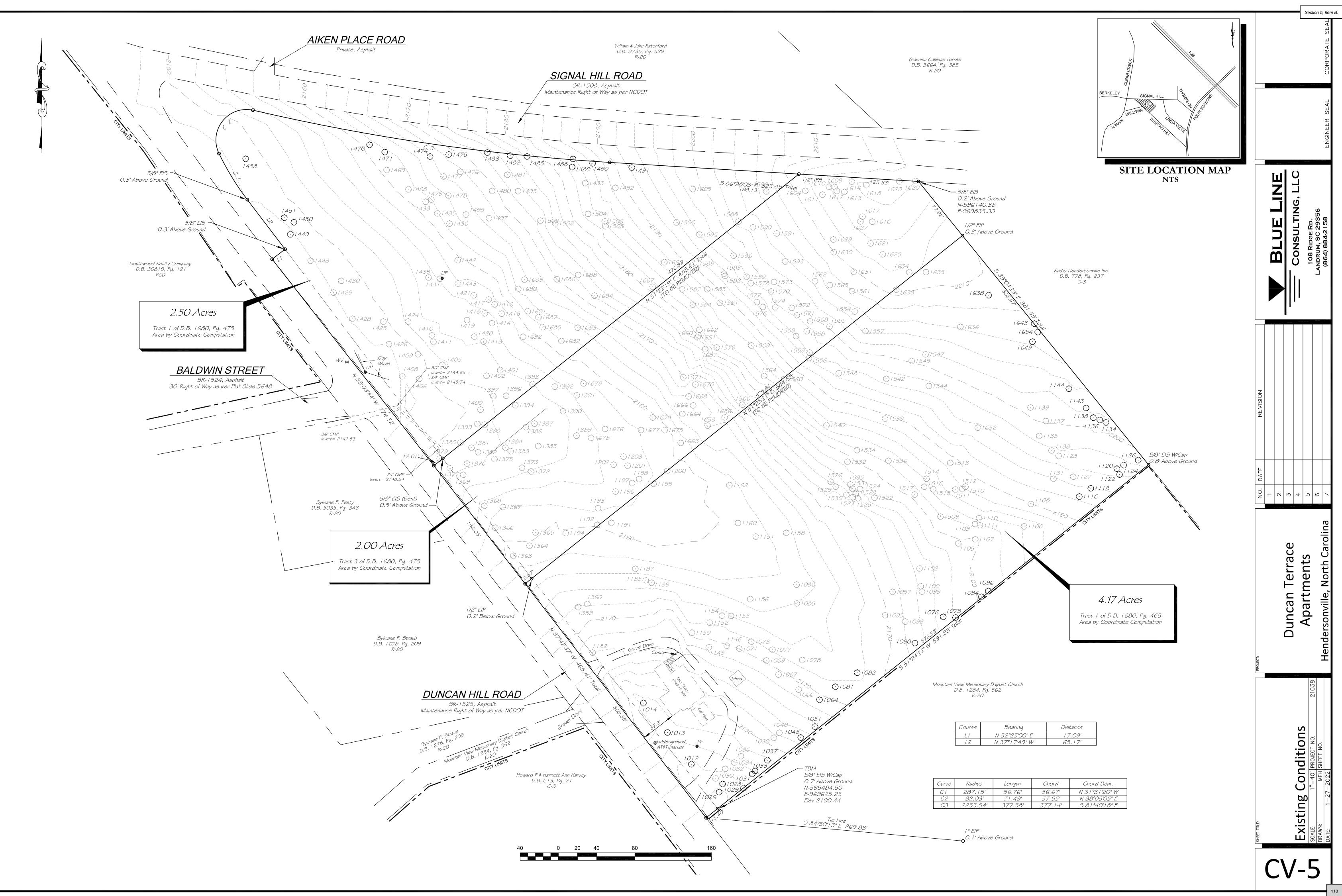
Description
,
20" PINE
20" POPLAR
22" OAK
8" OAK
24" PINE / 22" PINE
I O" POPLAR
I 8" PINE
I 2" HOLLY
I 2" POPLAR
1.8" PINE
I O" PINE
I O" POPLAR
1 <i>0" 0</i> AK
24" PINE
1 6" PINE
1-4" PINE
24" POPLAR
16" OAK
20" PINE
I 2" PINE
1 2" PINE x 2
36" PINE x2
36" OAK x2
I 2" PINE
1 <i>0" OAK</i>
1 <i>0" </i>
<i>I O" OAK</i>
48" OAK
I 2" POPLAR
36" OAK
1 <i>0" OAK</i>
1-4" OAK
I O" MAPLE
I O" MAPLE
1 <i>0" OAK</i>
1.2" OAK
1 O" OAK
10" OAK
I O" BIRCH
20" PINE
10" OAK
I O" BIRCH
I O" OAK
I O" BIRCH
I 4" PINE / I O" BIRCH
I O" PINE
I O" MAPLE
24" OAK
1 2" PINE / 1 2" OAK
1 2" OAK
I O" POPLAR
I O" PINE / I O" PINE
24" OAK
HOLLY CLUSTER
12" POPLAR

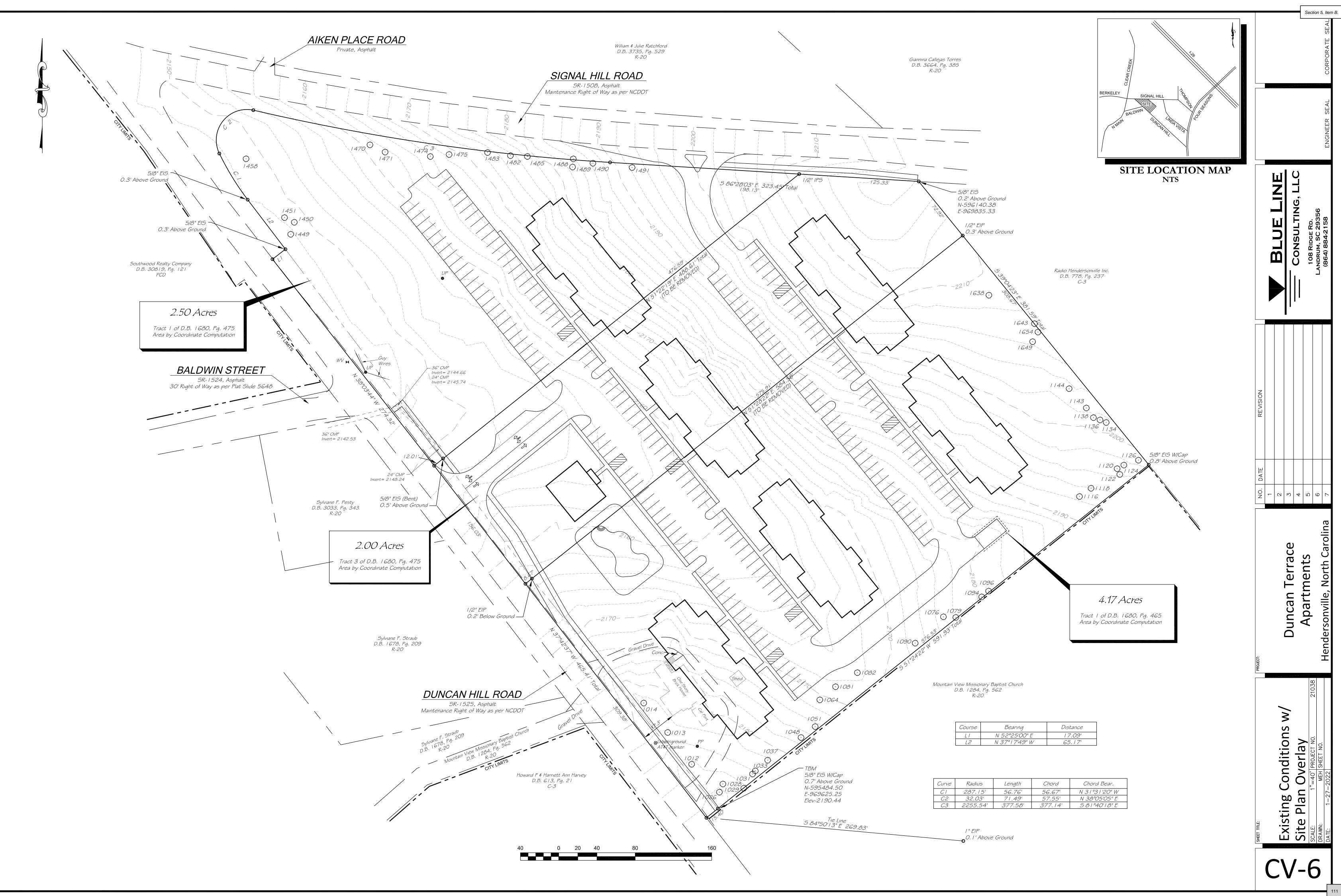
# OF TREES TO BE PRESERVED	53
# OF TREES TO BE REMOVED	268

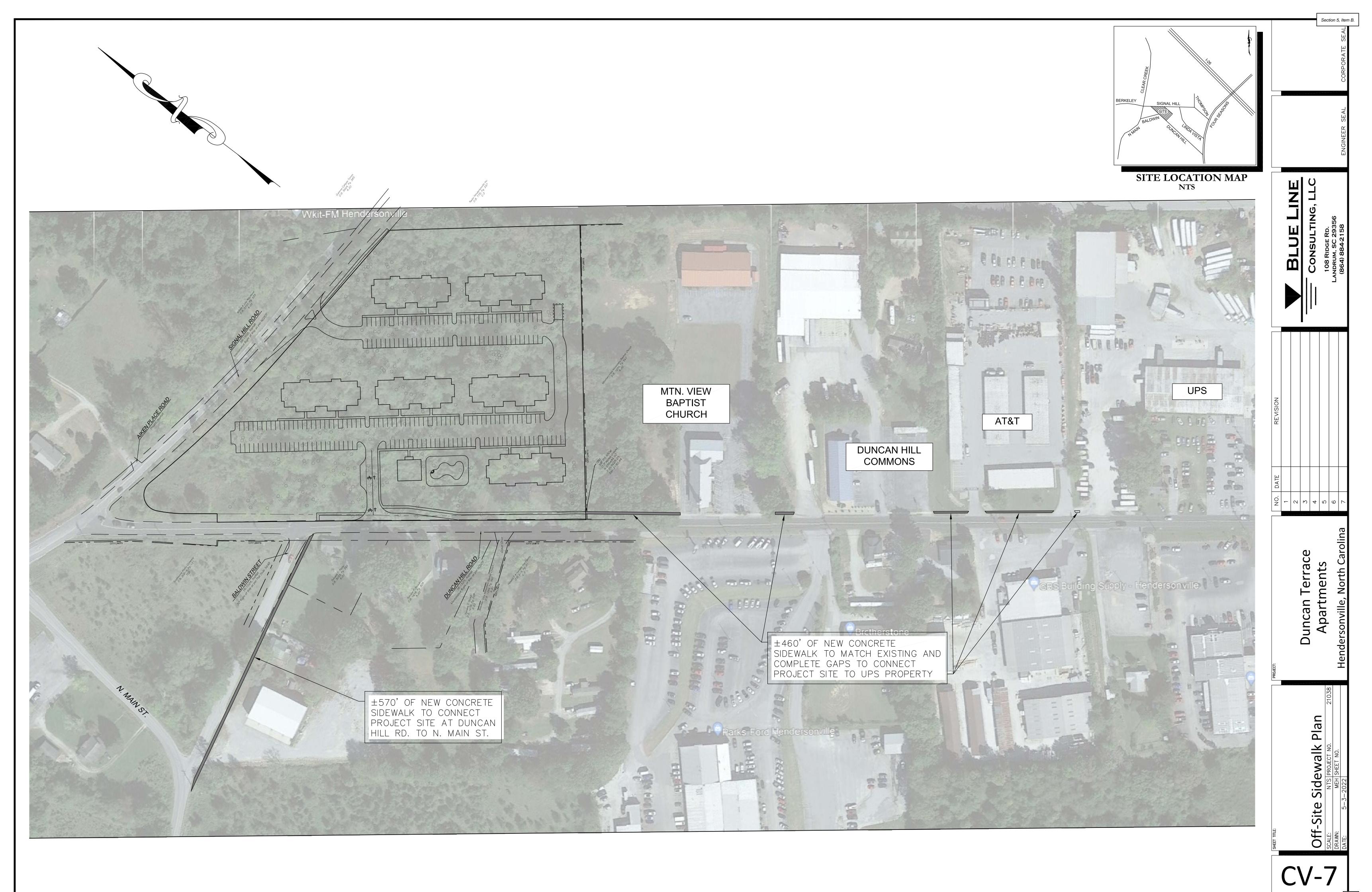
1654	24" OAK
1656	I OPOPLAR x 2
1657	24" PINE
1658	
1660	I 8" PINE
1661	I 8" PINE
1662	20" PINE
1663	
1664	I O" MAPLE
1666	I 4" PINE
1667	8" POPLAR x 2
1668	
1669	I O" MAPLE
1670	I O" POPLAR
1671	1 4" OAK
1674	I G" MAPLE
1675	16" MAPLE x 3
1676	1 O" OAK
1677	I O" POPLAR
1678	I 2" BIRCH
1679	
1682	20" OAK
1683	I 4" POPLAR
1684	I O" PINE
1685	1 2" OAK
1686	I O" HICKORY
1687	I 2" POPLAR
1688	I O" POPLAR
1689	I 4" MAPLECLUSTER
1690	1 6" OAK
1691	I 2" MAPLECLUSTER
1692	I 4" HICKORY

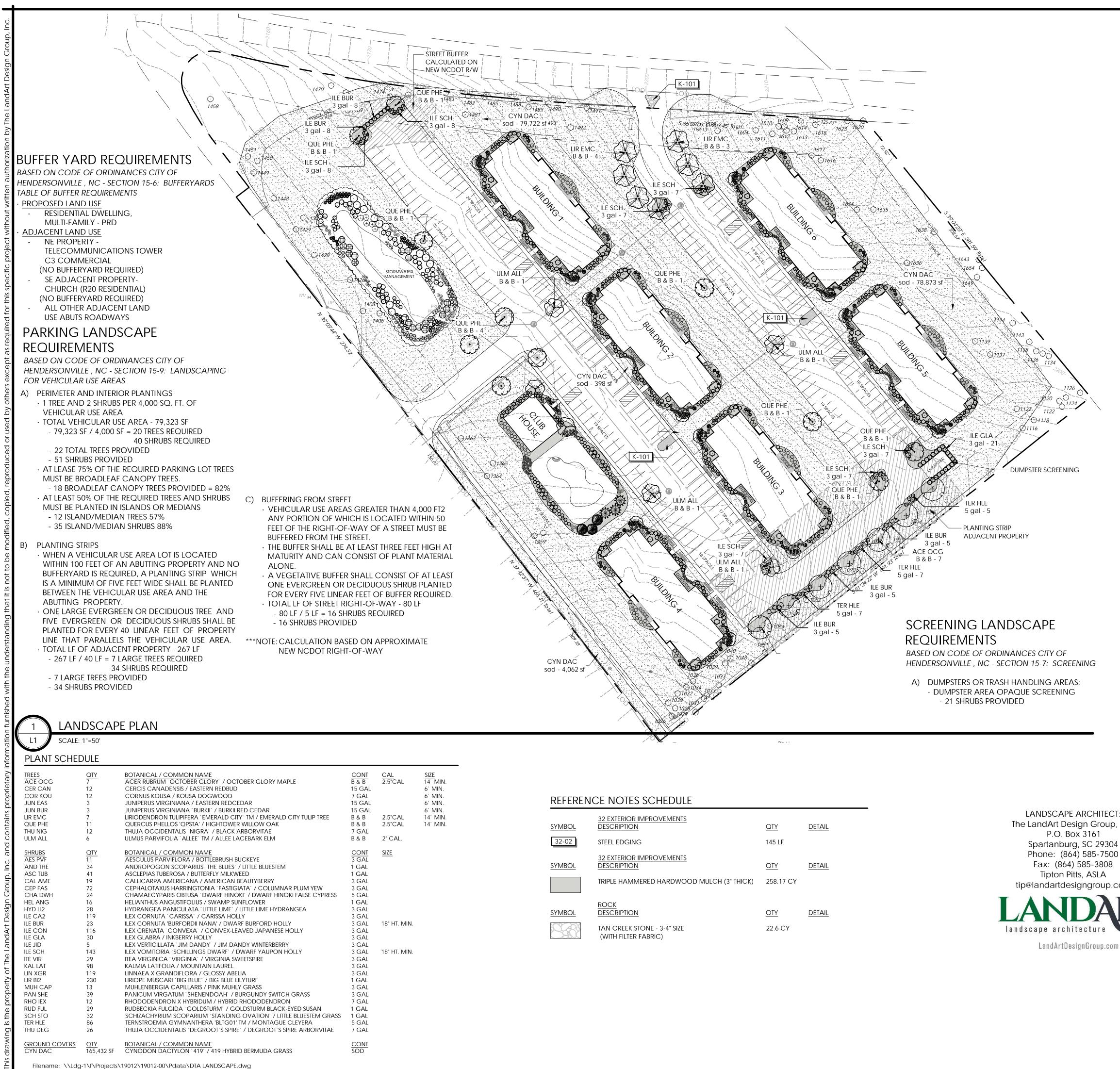


Section 5, Item B.









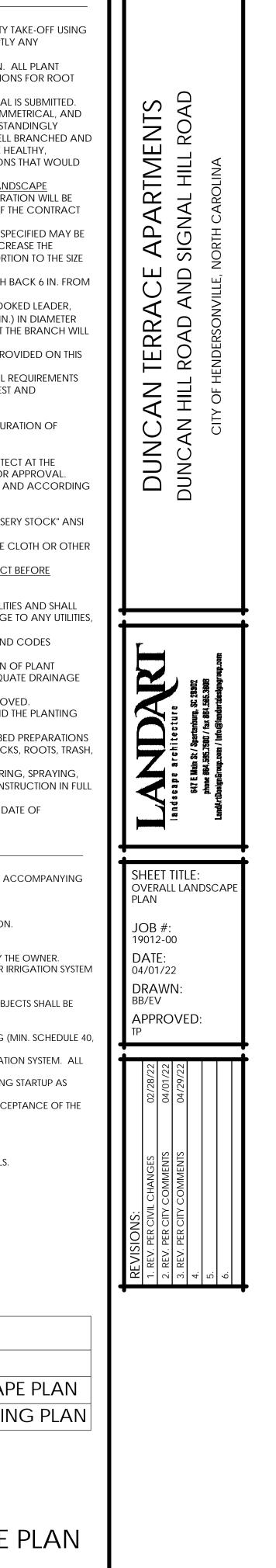
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SYMBOL	32 EXTERIOR IMPROVEMENTS DESCRIPTION	QTY	DETAIL	L The I
32-02	STEEL EDGING	145 LF		5
<u>SYMBOL</u>	32 EXTERIOR IMPROVEMENTS DESCRIPTION	OTY	DETAIL	I
	TRIPLE HAMMERED HARDWOOD MULCH (3" THICK)	258.17 CY		tip@
SYMBOL	ROCK DESCRIPTION TAN CREEK STONE - 3-4" SIZE (WITH FILTER FABRIC)	<u>QTY</u> 22.6 CY	DETAIL	Lands

e LandArt Design Group, Inc. Spartanburg, SC 29304 Phone: (864) 585-7500 Fax: (864) 585-3808 @landartdesigngroup.com

LandArtDesignGroup.com

PLANTING NOTES:



SHEET

OF 2 113

1. MATERIALS LIST WAS PREPARED FOR ESTIMATING PURPOSES, CONTRACTOR SHALL MAKE OWN QUANTITY TAKE-OFF USING DRAWINGS AND SPECIFICATIONS TO DETERMINE QUANTITIES TO HIS SATISFACTION, REPORTING PROMPTLY ANY DISCREPANCIES WHICH MAY EFFECT BIDDING ROOT TYPES MAY BE FREELY SUBSTITUTED IN CASE OF BALLED AND BURLAPPED OR CONTAINER GROWN. ALL PLANT MATERIAL MUST ADHERE TO ANSI Z60.1-2004 (AMERICAN STANDARD FOR NURSERY STOCK) SPECIFICATIONS FOR ROOT BALLS AND CONTAINER SIZES CONTRACTOR TO VERIFY THAT ALL PLANT MATERIALS ARE AVAILABLE AS SPECIFIED WHEN BID/PROPOSAL IS SUBMITTED UNLESS SPECIFICALLY NOTED, ALL PLANTS SHALL BE OF SPECIMEN QUALITY, EXCEPTIONALLY HEAVY, SYMMETRICAL, AND

SO TRAINED OR FAVORED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLY AND OUTSTANDINGLY SUPERIOR IN FORM, COMPACTNESS AND SYMMETRY. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF; FREE OF DISEASE AND INSECTS, EGGS OR LARVAE; AND SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS. THEY SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT VIGOROUS GROWTH

SUBSTITUTIONS OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE LANDSCAPE ARCHITECT. IF PROOF IS SUBMITTED IN WRITING THAT A PLANT SPECIFIED IS NOT OBTAINABLE, CONSIDERATION WILL BE GIVEN TO THE NEAREST AVAILABLE SIZE OR SIMILAR VARIETY, WITH A CORRESPONDING ADJUSTMENT OF THE CONTRACT

PLANTS SHALL CONFORM TO THE MEASUREMENTS SPECIFIED, EXCEPT TAT PLANTS LARGER THAN THOSE SPECIFIED MAY BE USED IF APPROVED BY THE LANDSCAPE ARCHITECT IN WRITING. USE OF LARGER PLANTS SHALL NOT INCREASE THE CONTRACT PRICE. IF LARGER PLANTS ARE APPROVED, THE ROOT BALL SHALL BE INCREASED IN PROPORTION TO THE SIZE OF THE PLAN ROOT FLARE OF PLANT MATERIAL MUST BE AT OR SLIGHTLY HIGHER THAN EXISTING GRADE. PULL MULCH BACK 6 IN. FROM 7.

ROOT FLARE. TREES WITH MULTIPLE LEADERS, UNLESS SPECIFIED, WILL BE REJECTED. TREES WITH A DAMAGED OR CROOKED LEADER, BARK ABRASIONS, SUNSCALD, DISFIGURING KNOTS, INSECT DAMAGE, CUTS OF LIMBS OVER 20 MM (3/4 IN.) IN DIAMETER THAT ARE NOT COMPLETELY CLOSED OR FLUSH PRUNING CUTS THAT DO NOT PRESERVE THE COLLAR AT THE BRANCH WILL **BE REJECTED**

9. TREE PLANTING DETAILS AND SPECIAL PROVISIONS FOR PLANTING MUST BE FOLLOWED. DETAILS ARE PROVIDED ON THIS SHEET 10. CONTRACTOR SHALL TEST SOIL pH AND CONDITIONS FOR ALL SOD AREAS TO INSURE THAT PROPER SOIL REQUIREMENTS ARE MET FOR THE SODDED LAWN. SOIL SHALL BE AMENDED BY CONTRACTOR AS INDICATED BY SOIL TEST AND

SPECIFICATIONS TO ACHIEVE PROPER SOIL CONDITIONS ALL PLANT BEDS TO RECEIVE 3" DEEP HARDWOOD MULCH, PULLED 6" AWAY FROM THE TRUNK.

CONTRACTOR TO MAINTAIN THE PLANTINGS AND CONTROL WEEDS IN MULCH AREAS THROUGH THE DURATION OF CONSTRUCTION UNTIL FINAL ACCEPTANCE

ALL PLANT BED AND SOD AREAS TO RECEIVE 100% IRRIGATION COVERAGE

IN THE PLANT SCHEDULE, PLANTS NOTED AS "SPECIMEN", SHALL BE SELECTED BY THE LANDSCAPE ARCHITECT AT THE NURSERY OR PHOTOS OF THE PLANTING STOCK SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PREEMERGENT HERBICIDE SHALL BE APPLIED TO PLANTING AREAS PRIOR TO LANDSCAPE INSTALLATION AND ACCORDING TO MANUFACTURER'S INSTRUCTIONS. PLANT BED SHALL BE TESTED FOR pH AND AMENDED PRIOR TO INSTALLATION.

ALL PLANT MATERIAL SHALL CONFORM TO STANDARD SET FORTH BY "AMERICAN STANDARDS FOR NURSERY STOCK" ANSI Z60.1-2004 PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.

ALL PLANT MATERIAL SHALL BE PROTECTED DURING TRANSPORT AND DELIVERY TO JOB SITE WITH SHADE CLOTH OR OTHER ACCEPTABLE MEANS OF WINDBURN PREVENTION.

ANY SUBSTITUTIONS IN SIZE AND/OR PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT BEFORE PLANTING CAN BEGIN. ALL TREES MUST BE STRAIGHT TRUNK, FULL HEADED, AND MEET ALL REQUIREMENTS SPECIFIED

PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING CONSTRUCTION. SHOULD THE CONTRACTOR CAUSE DAMAGE TO ANY UTILITIES, NECESSARY REPAIRS SHALL BE MADE AS QUICKLY AS PRACTICABLE, AT CONTRACTOR'S EXPENSE.

ALL ELEMENTS OF LANDSCAPING SHALL BE INSTALLED SO AS TO MEET ALL APPLICABLE ORDINANCES AND CODES 22. REQUIREMENTS 23. CONTRACTOR SHALL ASSURE DRAINAGE AND PERCOLATION OF PLANTING PITS PRIOR TO INSTALLATION OF PLANT MATERIAL. CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT OF ALL PLANTS LOST DUE TO INADEQUATE DRAINAGE

CONDITIONS BALLED AND BURLAP MATERIAL SHALL HAVE THE TOP ONE HALF (1/2) OF THE BURLAP AND STRAPS REMOVED. CONTRACTORS SHALL REFER TO THE LANDSCAPE PLANTING DETAILS, PLANTS LISTS, GENERAL NOTES AND THE PLANTING

SPECIFICATIONS FOR COMPLETE LANDSCAPE PLANTING INSTRUCTIONS 26. TURF GRASS SHALL BE PLANTED AFTER ALL PLANTS ARE INSTALLED AND MULCHED. SEED AND/OR SOD BED PREPARATIONS BY MEANS OF PULVERIZATION TO LOOSEN SOIL. SMOOTH AND FINE GRADE AREA REMOVING ANY ROCKS, ROOTS, TRASH,

AND CLODS OVER ENTIRE AREA. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING IN FULL ALL PLANTING AREAS (INCLUDING WATERING, SPRAYING, MULCHING, MOWING, FERTILIZING, ETC.) UNTIL THE OWNER AND LANDSCAPE ARCHITECT ACCEPT CONSTRUCTION IN FULL AT THE END FOR THE ESTABLISHED PERIOD

28. CONTRACTOR TO GUARANTEE PLANT MATERIAL FOR 12 MONTHS ESTABLISHMENT PERIOD FOLLOWING DATE OF COMPLETED CONSTRUCTION.

IRRIGATION NOTES

THE CONTRACTOR TO PROVIDE AN IRRIGATION SYSTEM THAT CONFORMS TO THE FOLLOWING STANDARDS AND THE ACCOMPANYING SPECIFICATIONS .

THE CONTRACTOR SHALL

CONTRACTOR SHALL PROVIDE AN IRRIGATION LAYOUT PLAN FOR OWNER APPROVAL BEFORE CONSTRUCTION. 1 SET OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY OWNER.

- ENSURE ALL LANDSCAPE SHRUB AREAS ARE DRIP IRRIGATED.
- PROVIDE 2 SETS OF AS-BUILT IRRIGATION DRAWINGS AFTER CONSTRUCTION IS COMPLETE AND APPROVED BY THE OWNER. PROVIDE APPROVED BACKFLOW PREVENTER AND COORDINATE THE INSTALLATION OF 1" METER SERVICE FOR IRRIGATION SYSTEM UNLESS OTHERWISE PROVIDED BY THE G.C.
- PROVIDE AUTOMATIC TIMER CONTROL AND RELATED ITEMS SUCH AS RAIN/FREEZE SENSOR AS SPECIFIED. ENSURE THAT ALL TRENCHING IS OUTSIDE OF TREE DRIP LINE IF POSSIBLE AND NO ROCKS, DEBRIS OR SHARP OBJECTS SHALL BE BACKFILLED IN THE TRENCH.
- FLUSH ALL PIPING PRIOR TO INSTALLATION OF SPRINKLERS.

COORDINATE THE LOCATION AND INSTALL ALL IRRIGATION SLEEVES UNDER ALL PAVEMENT PRIOR TO PAVING (MIN. SCHEDULE 40, 4" SLEEVE)

REVIEW AND FAMILIARIZE A REPRESENTATIVE OF THE OWNER WITH ALL SETTINGS AND FEATURES OF THE IRRIGATION SYSTEM. ALL 10 DOCUMENTATION SUCH AS MANUALS SHALL BE PROVIDED TO THE OWNER AT THIS TIME.

PROVIDE A 1 YEAR WARRANTY OF PRODUCTS AND WORKMANSHIP TO INCLUDE WINTERIZING AND FOLLOWING STARTUP AS REQUIRED BY LOCATION. 12. CLEAN UP AND DISPOSE OF ALL DEBRIS, WASTE AND EXCESS CONSTRUCTION MATERIALS PRIOR TO FINAL ACCEPTANCE OF THE

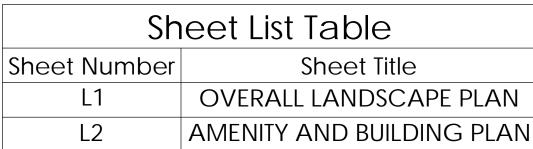
SYSTEM BY THE OWNER.

HE IRRIGATION SYSTEM SHALL

PROVIDE 100% COVERAGE OF ALL NEW PLANT BEDS & SOD AREAS HAVE ALL VALVES LOCATED IN PLANTED BEDS IF POSSIBLE.

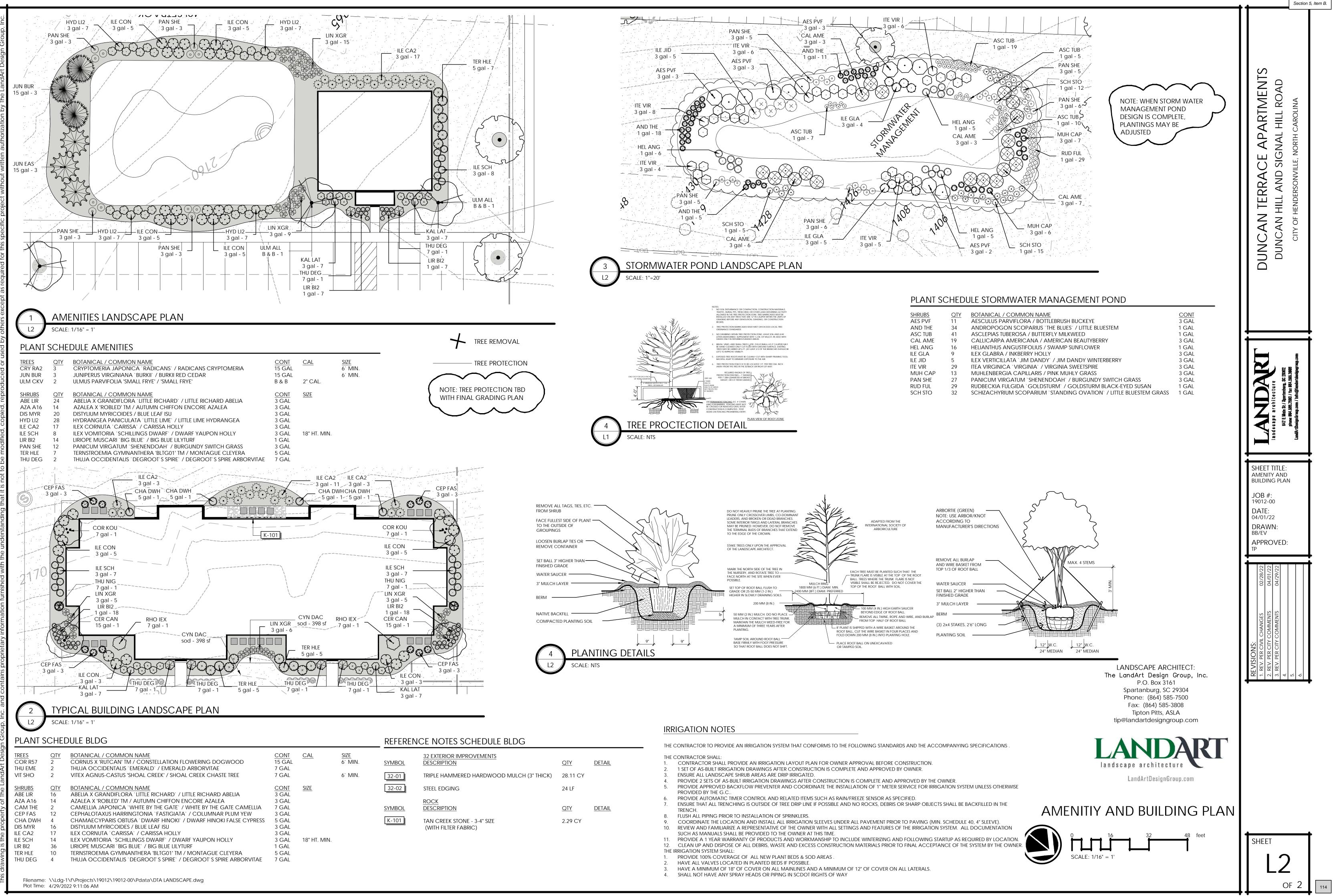
HAVE A MINIMUM OF 18" OF COVER ON ALL MAINLINES AND A MINIMUM OF 12" OF COVER ON ALL LATERALS.

SHALL NOT HAVE ANY SPRAY HEADS OR PIPING IN NCDOT RIGHTS OF WAY





OVERALL LANDSCAPE PLAN



ERIOR IMPROVEMENTS RIPTION	<u>QTY</u>	DETAIL
HAMMERED HARDWOOD MULCH (3" THICK)	28.11 CY	
EDGING	24 LF	
RIPTION	QTY	DETAIL
REEK STONE - 3-4" SIZE FILTER FABRIC)	2.29 CY	



NEIGHBORHOOD COMPATIBILITY MEETING NEIGHBORHOOD COMPATIBILITY NEI

NCM MEETING DATE: DECEMBER 9TH, 2021

PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Leah Bergman of Lee Ray Berman LLC.

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on December 9th, 2021 at 2pm in the City Operations Building at 305 Williams St and via Zoom.

5 members of the public were in attendance in-person with 6 others attending virtually. Additionally, in attendance were 2 members of the applicant team and 4 members of City staff.

There was I pre-submitted comments.

A citizen asked a question about what the 80% AMI (area median income) in Henderson County was. The applicant stated for a one-person family it is \$40,160 a year, for a two-person family it is \$45,840 a year, for a three-person family it is \$51,600 a year, for a four-person family it is 57,280 a year, five-person is 61,920, six-person is \$66,480 and seven -person is \$71,040. One person asked about the prices for the afforbale units and the applicant stated one-bedroom, one-bath \$680, two-bedroom, two baths is \$800, and three-bedroom, two baths would be \$1,050. This would not include electricity but would include cable. Questions were also raised about the access to the site, number of accesses, how the 10 year "affordable term limit" would work, prices of the affordable units.

Citizens raised concerns related to the amount of development in this area, increased traffic, current traffic infrastructure, future NCDOT improvements, impact on environment (tree removal and flooding near US 64), density and the one proposed access off of Duncan Hill Road.

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



PETITION REQUEST: Rezoning: Planned Residential Development Conditional Zoning District (PRD-CZD)

APPLICANT/PETITIONER: Leah Bergman of Lee Ray Berman LLC.

TREE BOARD ACTION SUMMARY:

Staff and the applicant presented to the Tree Board at their regular meeting on March 15th, 2022. The following recommendations were made:

Based on the following guiding city code documents (the 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 I.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, 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 protection of natural resources and the prioritization of existing tree canopy, the Tree Board believes that this project is inconsistent and incompatible with the preservation of tree canopy or even the replanting of some canopy trees removed as compensation for trees removed for the following reasons:

- Based on the documents provided prior to the Tree Board meeting, more than 300 10" and 12" trees on this property consist primarily of Oak, Maple, Hickory, Poplar, and Pine.
- 2. It appears that a large number (more than 200 of the more than 300) 10" and 12" trees will be removed from this property and not be preserved or replanted.
- 3. Of the trees proposed to be planted, only about half (about 35) would be considered to be future large canopy trees and only 6 Maple and 8 Oak are proposed to be planted.
 - I. Note: The oak tree listed is not listed for our hardiness zone.
- 4. This property is one of the few remaining forested properties of this size and tree diversity in Hendersonville.

The Tree Board recommends the following conditions be applied to this development:

1. All tree and shrub planting materials must be selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. None of the listed undesirable plants can be planted on this project which specially applies to Wintercreeper (Euonymus fortunei). [Developer Agreed]

TREE BOARD ACTION SUMMARY CONTINUED:

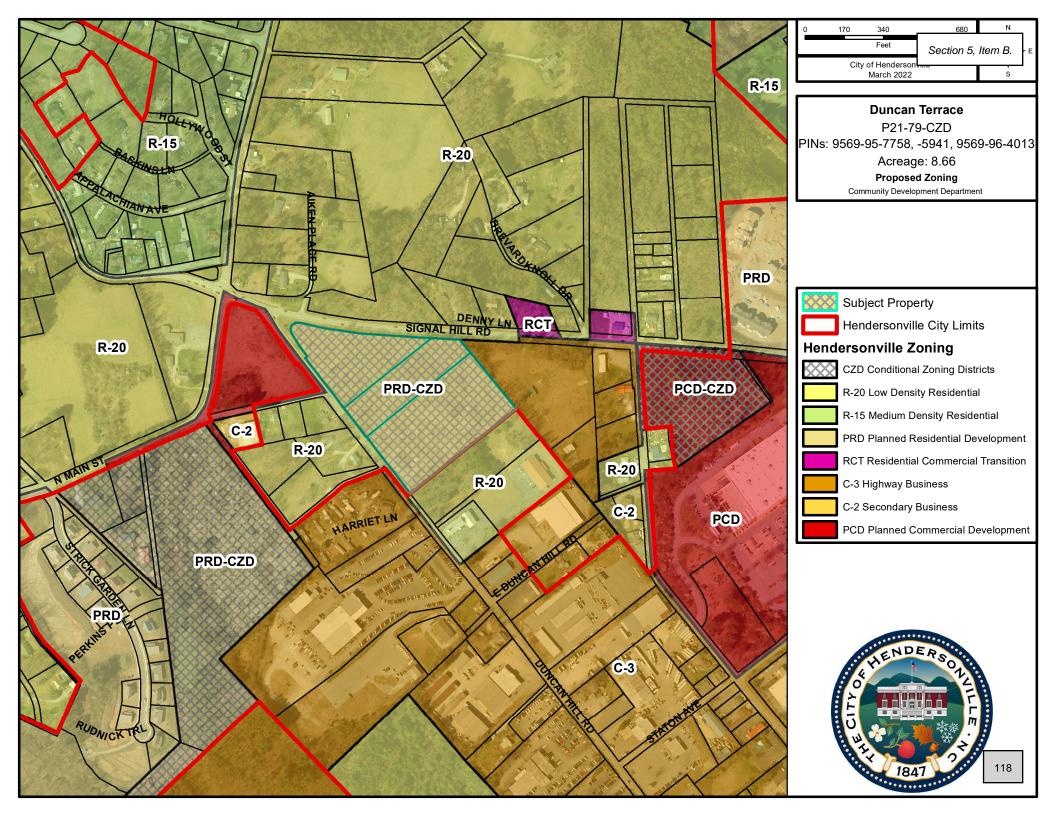
- 2. Gulf Stream Heavenly Bamboo (Nandina domestica) is considered invasive by the North Carolina Invasive Species Council and the US Forest Service. It cannot be planted on this project. [Developer Agreed]
- 3. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use as tree credits. [Developer Agreed]
- 4. An additional 75, 2 1/2" or larger caliper, trees must be planted throughout the project and selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. [Developer Counter – Developer agrees to plant 87 tress form the recommended species list on site]
- 5. Implement a vegetative planting plan that will enhance the banks of and a 20 foot corridor around the stormwater pond to provide filtration and infiltration of stormwater from turf managed areas and enhance wildlife habitat. The plan must include diverse and appropriate species of native upland and wetland shrubs and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) selected from the city's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses should be used. [Developer Agrees]

BOARD ACTION

Motion: Glenn Lange

Roll Call Vote:

- Yeas: Mac Brackett, Mark Madsen, Glenn Lange, Pat Christie, Andy Crawford.
- Nays: None
- Absent: Mary Davis and Landon Justice
- Recused: None



Ordinance #____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PARCEL IDENTIFICATION NUMBERS 9569-95-7758, 9569-95-5941 AND 9569-96-4013 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 –710 Duncan Hill Road (Duncan Terrace) - (File # P21-79-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Leah Bergman of Lee Ray Bergman LLC (applicant) and Lee Ray Bergman LLC (property owner) for the development of 132 apartments on approximately 8.66 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9th, 2022; voting 0-0 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 June 2^{nd,} 2022, and

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

- Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
- 2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant, the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Multi-Family
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted on May 3rd, 2022, [or as modified and presented].
- 3. This ordinance shall be not be effective until the stipulated 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 2nd day of June 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

to the imposition of all conditions stated.

Applicant/Developer: <u>Leah Bergman of Lee</u> <u>Ray Bergman LLC</u>	Property Owner: Lee Ray Bergman LLC
Signature:	Signature:
Printed Name:	Printed Name:
Title:	Title:
Date:	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 <u>required</u> 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]

By:

A. Applicant Contact Information		
Leah M Bergman		
* Printed Applicant Name		
Lee Ray Bergman, LLC		
Printed Company Name (if applicable)		
□ Corporation ⊠Limited Liability Company	□ Trust	□ Partnership
□ Other:		
DocuSigned by:		
Leali M. Bergman		
Applicante Signature		
<u>Member/Manager</u> Applicant Title (if applicable)		
Applicant Title (II applicable)		
PO Box 685, Durham NC 27702 or Physical address 2814	Chapel ніll	Road, Durham NC 27707
Address of Applicant		
PO Box 685, Durham NC 27702 or Physical address 2814	Chapel Hill	Road, Durham NC 27707
City, State, and Zip Code		
917-714-9601		
Telephone		
lmb2691@hotmail.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 differen	t from Applica	ant)
Lee Ray Bergman LLC		
*Printed Owner Name		
Printed Company Name (if applicable)		
□ Corporation ⊠Limited Liability Company	□ Trust	□ Partnership
Other:		
Property Owner Signature		
Member/Manager		
Property Owner Title (if applicable) PO Box 685 Durham NC 27702		
City, State, and Zip Code		
917 714 9601		
Telephone Lmb2691@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.

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

Note: Additional Owner Signature pages attached.

C. Property Information
Name of Project: Duncan Terrace
PIN(s): 9569957758, 9569955941, 9569964013
Address(es) / Location of Property: <u>Approximated 710 Duncan Hill Road, Hendersonville</u>
Type of Development: <u>×</u> Residential <u>Commercial</u> Other
Current Zoning: R-20
Total Acreage: 8.66
Proposed Zoning: Planned Residential Development Conditional Zoning
Proposed Building Square Footage: 164,650=160,650 residential + Clubhouse/amenities
Number of Dwelling Units: <u>132</u>
List of Requested Uses: Three story walkup (no elevator) multi family community consisting of seven residential buildings and one clubhouse building. Amenities include clubhouse, fitness center and swimming pool. For a period of ten years immediately following the issuance of the first certificate of occupancy for the site, property owner will make 25% of the dwelling units at the property available for lease at rents not to exceed the rents established for a household at 80% of the annual area median income (AMI) for Henderson County, North Carolina at the time the rental application is made.

D. Proposed Development Conditions for the Site

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

The Proposed Development Site will have seven residential dwelling buildings which are approximately 22,950 square feet each plus a clubhouse/leasing office/fitness center building. The buildings will be attractive and consistent with other similar multi family and single family residential buildings in the area. The primary siding materials will be brick and vinyl and will have charming landscape features. The Development will contain an element of affordability for a period of ten years immediately following the issuance of the first certificate of occupancy for the project, property owner will make 25% of the dwelling units at the property available for lease at rents not to exceed the rents established for a household at 80% of the annual area median income (AMI) for Henderson County, North Carolina at

Additional Property Owners: (S	ignature 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.

* 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.

*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.

* 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:	May 9, 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development

TITLE OF ITEM:Zoning Text Amendment: Supplementary Standards for Day Centers (P22-29-
ZTA) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Decommonding Annuoval	For Recommending Denial:	
For Recommending Approval: I move Planning Board recommend City Council	I move Planning Board recommend City Council deny	
adopt an ordinance amending the official City of	an ordinance amending the official City of	
Hendersonville Zoning Ordinance, Article XVI	Hendersonville Zoning Ordinance, Article XVI	
Supplementary Standards for Certain Uses, Section	Supplementary Standards for Certain Uses, Section	
16-4-12 Day Center, based on the following:	16-4-12 Day Center, based on the following:	
1. The notition is found to be consistent with the	1 The notition is found to be consistent with the	
1. The petition is found to be <u>consistent</u> with the	1. The petition is found to be <u>consistent</u> with the	
City of Hendersonville 2030 Comprehensive Plan	City of Hendersonville 2030 Comprehensive Plan	
based on the information from the staff analysis	based on the information from the staff analysis	
and the public hearing, and because:	and the public hearing, and because:	
The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.	vithshort- and long-term impacts on compatibility withheexisting development and further recommends the consideration be given to determine if an	
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: 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, because:		
because:		
1. The petition addresses the provision of services for the needy, homeless and transient population within the City of Hendersonville's zoning jurisdiction.	1. The text amendment would permit an incompatible use in closer proximity to residential districts and residential uses than what is currently allowed.	
2. The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed standard commercial / residential buffers	[DISCUSS & VOTE]	
[DISCUSS & VOTE]		

SUMMARY: The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Tamara Peacock Company Architects and Morgan Marks for the revision of the Supplementary Standards for Day Centers (Sec. 16-4-12)

The applicant is proposing the following revisions to the text:

A Day Center may be adjacent to a residential use and/or residential district in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

Currently Day Centers are not permitted adjacent to a residential use nor within 200' of a residential district in any zoning district.

PROJECT/PETITIONER NUMBER:	P22-29-ZTA
PETITIONER NAME:	The Tamara Peacock Company Architects / Morgan Marks
ATTACHMENTS:	 Staff Report Draft Ordinance Application / Amended Application

ZONING TEXT AMENDMENT: SUPPLEMENTARY STANDARDS FOR DAY CENTERS (P22-029-ZTA)

<u>CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT</u>

PETITION SUMMARY	2
AMENDMENT ANALYSIS – AMENDMENT OVERVIEW	3
AMENDMENT ANALYSIS – AMENDMENT OVERVIEW	4
AMENDMENT ANALYSIS - COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)	5
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT	6



Page

PROJECT SUMMARY

- Project Name & Case #:
 - Supplementary Standards for Day Centers
 - P22-029-ZTA
- Applicant:
 - The Tamara Peacock Company Architects
 - o Morgan Marks
- Articles Amended:
 - Section 16-4-12 Day center.
- Applicable Zoning District(s):
 - This would apply to all the districts which permit Day Centers subject to supplementary standards:
 - C-2 CZD
 - C-3 CZD
 - I-1 CZD
 - CMU CZD

Summary of Amendment Petition:

The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Tamara Peacock Company Architects and Morgan Marks for the revision of the Supplementary Standards for Day Centers (Sec. 16-4-12)

The applicant is proposing the following revisions to the text:

A Day Center maybe adjacent to residential use and/or residential district in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

Currently Day Centers are not permitted adjacent to a residential use nor within 200' of a residential district in any zoning district



130

Article XII of the Zoning Code defines Day Centers as follows:

Day Center: An establishment that provides a combination of case management, resources or a range of like services to aid persons who are primarily indigent, needy, homeless, or transient.

The following <u>Conditional Zoning Districts</u> are the only districts which currently permit Day Center as a use subject to Supplementary Standards:

- C-2 CZD I-I CZD
- C-3 CZD CMU CZD

As a use, Day Center requires a Conditional Zoning District petition and the associated process which includes a Neighborhood Compatibility Meeting, Preliminary Site Plan submittal, Tree Board recommendation, Planning Board recommendation, and City Council approval/denial. No changes to the existing process for the approval of a Day Center nor changes to zoning districts permitting Day Centers as a conditional use are part of the proposed text amendment. Rather this text amendment seeks to alter the current supplementary standards as are outlined below:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district.
- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

The text amendment, as proposed, would result in the following changes:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. A day center may be adjacent to a residential use in cases in which a buffer is implemented. A buffer must consist of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district <u>unless a buffer consisting of twenty-five feet (25') of landscaped</u>

separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height is implemented.

d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

Article XII of the Zoning Code defines Buffers as follows:

Buffer: A specified land area together with the planting, landscaping and improvements required on the land used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, April 19, 2022. The members of the committee that were present were: Neil Brown, Jim Robertson and Stuart Glassman. The petitioner was also present for the discussion. In general, the Committee members were supportive of the proposed text changes along with suggestions from staff. A primary consideration was that Day Centers are only permitted as part of a petition for a Conditional Zoning District which requires Site Plan approval and does not permit Day Centers by-right.

The Legislative Committee considered the buffer requirements, as proposed, compared to the buffer requirements that would typically be triggered when C-2, C-3, CMU and I-I zoning are adjacent to a residential use or district (see Section 15-6. – Bufferyards). For C-2, C-3 and CMU, a 10' Type B buffer would typically be required when adjacent to residential uses/districts. For I-I, a 25' Type C buffer would be required.

Considering the proposed text amendment, the proposed buffer would be x2.5 times greater than what would be required for other uses in the C-2, C-3 and CMU districts or 5' greater with the addition of a masonry wall (or wood fence is approved under alternative compliance).

In the case of I-I, the proposal, as written, would be a reduction of the typically required buffer as I-I buffers require a berm and fence or wall in addition to the 25' of separation and would not permit a reduction to 15' unless a condition was granted as part of a CZD petition or under alternative compliance (Section 15-3).

Under Article VI, Sections 6-1 and 6-3-2, the Zoning Code states that regulations which establish a higher standard shall prevail. Consideration should be given to whether additional language should be added to make it clear that the proposed revisions to the Supplementary Standards for Day Centers would only apply in the C-2 CZD, C-3 CZD, and CMU-CZD and not the I-I CZD – where the 25' Type C buffer would prevail in the case of a Day Center

Type of Buffer	Planting Requirements per 100 Linear Feet	Size Requirements
В	4 broadleaf canopy <u>tree</u> 25 evergreen shrubs (4-foot centers) 33 flowering shrubs	1½—1¾ inch caliper 18—24 inches 18—24 inches
С	4 broadleaf canopy <u>tree</u> 10 understory trees 33 flowering shrubs berm fence or wall on top of berm	1¾— <u>2 inch</u> caliper 5—6 feet 18—24 inches 6 feet 8 feet

The requirements for Type B and Type C buffers per 100 liner feet are as follows:

The separation requirements for buffers from residential uses / districts are as follows:

Proposed Land Use	Existing Land Use /Zoning District ¹
	Residential ²
Residential	х
Mobile Home Park	10-foot B
Institutional & Cultural	10-foot B
Commercial	10-foot B

The Legislative Committee also considered the standards for Day Centers as they related to the standards for other similar uses which included Food Pantries and Shelter Facilities as defined in Article XII below:

Food pantry: A nonprofit establishment that primarily distributes food but may also distribute non-food items and other resources to needy individuals and families.

Shelter facility: A building or group of buildings owned or operated by a governmental or non-profit organization used for the purpose of providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons.

The Supplementary Standards for Food Pantries and Shelter Facilities are as follows:

16-4-13 - Food pantries.

a) The parcel on which a food pantry is situated shall not be closer than 1,500 feet to any parcel on which another food pantry is situated.

b) Storage of items for distribution shall be located entirely within the building

16-4-28 - Shelter facilities.

a) The parcel on which a shelter facility is situated shall not be closer than 1,500 feet to any parcel on which another shelter facility is situated.

b) The parcel on which a shelter facility is situated shall not be within 200 feet of a residential zoning district.

The Legislative Committee noted that there should be alignment between these 3 similar uses and that the lesser intense uses, such as Food Pantries and Day Centers, should not have greater restrictions than more intense uses, such as Shelter Facilities. Consideration of reducing the 1,500 separation requirements for all three uses was also discussed. Upon staff's suggestion, there was a consensus that revisions to the standards should be considered separately and apart from the current petition which is specifically related to Day Centers.

The Legislative Committee also suggested that consideration be given to making Day Centers a permitted use subject to Supplementary Standards in the I-I zoning district as opposed to only permitting the use in the I-I CZD. Ultimately the following language is recommended by the Legislative Committee. Additional language from staff is provided in blue.

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residentialuse. A day center may be adjacent to a residential use in cases in which a Type B buffer is implemented. The buffer must consist of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height. The vertical barrier shall meet the specifications of Sec. 15-5. e) – General Standards. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent.
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district <u>unless a Type B buffer consisting of twenty-five feet (25') of landscaped separation or fifteen feet (15') of separation with a vertical barrier of a least six feet (6') in height is implemented. The vertical barrier shall meet the specifications of Sec. 15-5. e) General Standards.</u>
- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

For reference, Section 15-5. e) states the following:

e) **Walls and fences.** Any walls used for screening or as part of a buffer shall be constructed in a durable fashion of brick, stone, or other masonry materials. When concrete block is utilized, it shall be finished with stucco on both sides. Wood posts and planks or metal or other materials specifically

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Page 6
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134

designed as fencing materials may be approved by the zoning administrator for use in a Type C Buffer. Other materials may also be considered through the alternative buffer and screening process described in <u>section 15-3</u>. No more than ten percent of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this article.

The Zoning code continues under Section 15-6 c) 2) to state the following:

For type A and B buffers, the developer may, at their option, substitute a masonry wall for the evergreen shrubs. A wooden fence may be incorporated into a buffer but shall not be allowed to substitute for evergreen shrubs.

STAFF ANALYSIS

After additional review and consideration staff are recommending that the vertical barrier be required in cases of residential adjacency/proximity. Staff are also recommending a Type B buffer as a standard planting requirement for Day Centers having found varying buffer requirements in the zoning code depending on the base zoning district. In consideration of these recommendations and in an effort to clarify the requirements for Day Centers across permitted zoning districts (to include I-ICZD, C-2CZD, C-3CZD & CMUCZD), staff proposed the following language:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. A day center may be adjacent to a residential use in cases in which a Type B buffer is implemented and maintained. The buffer must consist of fifteen feet (15') of landscaped separation with a vertical masonry wall or wood fence at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent. Additionally, for the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district <u>unless a Type B buffer is implemented and maintained</u>. The buffer must consist of fifteen feet (15') of landscaped separation with a vertical masonry wall or wood fence barrier at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

COMPREHENSIVE PLAN CONSISTENCY		
Land Use & Development	 Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development. Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects. Strategy LU-3.5 Minimize negative impacts from growth and land use changes on existing land uses. Some zoning map changes and other development applications may create short-term incompatibilities with existing neighborhoods, even if they are consistent with the Future Land Use Plan. It is critical that City officials consider the full range of impacts of all development applications, in addition to conformance with the Future Land Use Plan. Action LU-3.5.1 Consider a full range of short- and long-term impacts when reviewing zone change applications and other proposals that introduce land use changes. When reviewing zone change applications, the City should consider whether applications demonstrate a clear public purpose as well as the criteria listed in Figure 8.3a. 	
	Strategy LU-3.6 Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development.	
Population &	Strategy PH-1.1 – Promote compatible infill development	
Housing	Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.	
Natural & Environmental Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.	
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.	
	Strategy CF-1.1. Encourage co-location of new community facilities.	
Community Facilities	Strategy CF-1.2. Continue to encourage joint use of existing community facilities, as well as usage of these facilities by community organizations. Strategy CF-1.3. Encourage location of community facilities in mixed-use community	
Tacintics	centers with excellent multimodal access. Strategy CF-6.1. Encourage community open-space or play areas in new or redeveloped residential neighborhoods.	
Water	There are no Goals, Strategies, or Actions that are directly applicable	
Resources	to this petition.	
Transportation	Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.	
& Circulation	Strategy TC-3.1. Continue to develop and require a <u>connected</u> street grid.	
a circulation	Strategy TC-5.1. Incorporate aesthetic improvements such as landscaped medians and street trees along roadways.	

Page 8

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 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.

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 petition addresses additional opportunities for the provision of services for the needy, homeless and transient population within the City of Hendersonville's zoning jurisdiction.
- The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed typical commercial / residential buffer standards for the C-2 CZD, C-3 CZD, and CMU CZD.

DRAFT [Rational for Denial]

• The text amendment would permit an incompatible use in closer proximity to residential uses / residential zoning districts.

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE XVI. - SUPPLEMENTARY STANDARDS FOR CERTAIN USES, SECTION 16-4-12 'DAY CENTER' OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADDRESS STANDARDS FOR ADJACENY AND PROXIMITY BETWEEN DAY CENTERS AND RESIDENTIAL USES & RESIDENTIAL DISTRICTS

WHEREAS, the City of Hendersonville's Planning Board reviewed this petition for a zoning text amendment at its regular meeting on May 9th, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council desires to provide opportunities for the provision of services for those in need while maintaining the character of existing neighborhoods, and

WHEREAS, City Council took up this application at its regular meeting on June 2nd, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article XVI. - Supplementary Standards For Certain Uses, Section 16-4-12 'Day Center' be amended as follows to require a buffer when adjacent to a residential use and when in proximity to a residential zoning district.

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated.
- b) The parcel on which a day center is situated shall not be adjacent to a residential use. <u>A day center</u> may be adjacent to a residential use in cases in which a Type B buffer is implemented and maintained. The buffer must consist of fifteen feet (15') of landscaped separation with a vertical masonry wall or wood fence at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For purposes of this paragraph, parcels situated across a street right-of-way from a proposed day center shall be deemed to be adjacent. <u>Additionally, for the purposes of this paragraph</u>, these buffer standards shall prevail over the standards found in Section 15-6 b).
- c) The parcel on which a day center is situated shall not be within 200 feet of a residential district <u>unless</u> a Type B buffer is implemented and maintained. The buffer must consist of fifteen feet (15') of landscaped separation with a vertical masonry wall or wood fence barrier at least six feet (6') in height. No more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June, 2022.

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King St. ~ Hendersonville, NC ~ 28792 Phone (828)697-3010 ~ Fax (828) 697-6185 www.cityofhendersonville.org

ZONING ORDINANCE TEXT AMENDMENT Sections 4-1 and 11-1 of the City Zoning Ordinance

The following are required to constitute a complete application for a zoning text amendment: ~ This form. ~ Appropriate fee. Applications for zoning text amendments are due at least 30 days prior to any Planning Board Meeting.

 Date
 04/01/2022
 Section of Ordinance proposed to be changed
 21-34

	The parcel on which a day center is situated shall not be adjacent to a residential use. For purposes of this paragraph, parcels across the street right-of-way from a proposed day center shall be deemed to be adjacent.
Proposed change	The parcel on which a day center is situated shall not be within 200 feet of a residential a district.

Reason for change	Proposed amendment which explains the purpose for the amendment: A day center may be adjacent to residential use in the case which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.
-------------------	---

Applicant Name		Name	The Tamara Peacock Company Architect		
	Address	104	First Ave East, Suite A Hendersonville, North Carolina 28792		

Phone	828-696-4000	Fax		E-mail	Moe@peacockarchitect.com
			Signature	Empli	W
Official Use: DATE RECEI	VED: 4/7/22		By Jerri Du	Jana FE	EE RECEIVED \$_175.00

ZO Text Amendment Application Rev. 7.2015 Section 11-4 Standards The advisability of amending the text of this Zoning Ordinance or the Official Zoning matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

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

b) **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Proposed amendment which explains the purpose for the amendment: A day center may be adjacent to residential use in the case which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

c) Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

d) **Public interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

e) **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

N/A

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

N/A



CITY OF HENDERSONVILLE

100 N. King St. ~ Hendersonville, NC ~ 28792 Phone (828) 697-3010 ~ Fax (828) 697-6185 www.cityofhendersonville.org

ZONING ORDINANCE TEXT AMENDMENT Sections 4-1 and 11-1 of the City Zoning Ordinance

Amended application from 4/1/2022

Print Form Section 5, Item C.

The following are required to constitute a complete application for a zoning text amendment: ~ This form.

~ Appropriate fee.

Applications for zoning text amendments are due at least 30 days prior to any Planning Board Meeting.

Date	04/01/2022	Section of Ordinance proposed to be changed 16-4-12 (B and C)
Propose	d change	Proposing to change the following language to "A day center may be adjacent to a residential district and/or residential use in the case in which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

To permit day centers in additional areas and to provide more opportunities for day centers in the City of Hendersonville.	
--	--

Applicant Name	The Tamara Peacock Company Architect			
Address 104 First Ave East, Suite A Hendersonville, North Carolina 28792				
Phone 828	8-696-4000 E-mail Moe@peacockarchitect.com			
Signature <u>Morgan Marks</u>				

Official Use:

DATE RECEIVED:

ΒY

FEE RECEIVED \$

Section 11-4 Standards The advisability of amending the text of this Zoning Ordinance or the Official matter committed to the legislative discretion of the City Council and is not controlled by any one factor whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

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

b) **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Proposed amendment which explains the purpose for the amendment: A day center may be adjacent to residential use in the case which a buffer is implemented. A Buffer must consist of twenty- five feet (25 ft) of landscaped separation or fifteen feet (15 ft) of separation with a vertical barrier of at least six feet (6 ft) in height.

c) **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

d) **Public Interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

e) **Public facilities.** Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

N/A

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

N/A



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER:	Matthew Manley, Planning Manager	MEETING DATE:	May 9, 2022
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development

TITLE OF ITEM:Rezoning: Conditional Zoning District – Upward Rd Restaurant (P22-15-CZD)
– Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:	For Recommending Denial:
I move Planning Board recommend City Council	I move Planning Board recommend City Council
adopt an ordinance amending the official zoning map	deny an ordinance amending the official zoning map
of the City of Hendersonville changing the zoning	of the City of Hendersonville changing the zoning
designation of the subject property (PIN: 9588-20-	designation of the subject property (PIN: 9588-20-
6649) from PCD, Planned Commercial Development	6649) from PCD, Planned Commercial Development
to CHMU CZD, Commercial Highway Mixed Use	to CHMU CZD, Commercial Highway Mixed Use
Conditional Zoning District, based on the site plan and	Conditional Zoning District, based on the following:
list of conditions submitted by and agreed to by the	
applicant, [dated April 29, 2022] and presented at this	1. The petition is found to be <u>consistent</u> with the City
meeting and subject to the following:	of Hendersonville 2030 Comprehensive Plan based
	on the information from the staff analysis and
1. The development shall be consistent with the site	because:
plan, including the list of applicable conditions	The Future L and Line designation of
contained therein, and the following permitted uses	The Future Land Use designation of Regional Activity Center recommends
	restaurant as a primary land use and the
Permitted Uses:	location and site design of the project align
1. Restaurant	with the goals and strategies of LU-9
	with the goals and strategies of LO-7
[for amendments to uses or conditions discussed and agreed upon in the Council meeting (between City &	1. We do not find this petition to be reasonable
Developer) and not yet represented on the site plan, please	and in the public interest based on the
<i>use the following language, disregard #2 if not needed]</i>	information from the staff analysis, public
	hearing and because:
2. Permitted uses and applicable conditions presented	hearing and because.
on the site plan shall be amended to include:	1. The development request to use Tree
	Credits without meeting the standards of
3. The petition is found to be <u>consistent</u> with the City of	Sec. 15-4.
Hendersonville 2030 Comprehensive Plan based on the	2. The development would require a
information from the staff analysis and because:	reduction of the vehicular area setback
The Future L and Lies designation of Designal	standards
The Future Land Use designation of Regional	3. The development requires a 50%
Activity Center recommends restaurant as a primary land use and the location and site	reduction of the required Common Open
design of the project align with the goals and	Space
	*
strategies of LU-9	

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:	4. The development does not meet all the design standards for the CHMU due to a reduction in the dept of the building offsets.
 The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants. 	[DISCUSS & VOTE]
2. The development will provide additional food options for residents and visitors	
food options for residents and visitors3. The subject property is consistent with the interstate interchange-oriented development occurring in this area.	
4. The subject property is located in a "Priority Growth Area"	
[DISCUSS & VOTE]	

SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Terry (applicant) and NC Hendersonville Upward Road, LLC (Property Owners). The applicants are requesting to rezone the subject property, PIN 9588-20-6649 and located on Upward Road, from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 950 square foot drive in restaurant on approximately 0.75 acres. The CHMU permits drive-in restaurants.

The subject parcel was previously a part of a multi-phased Planned Commercial Development – Special Use Permit that was first approved in 2008 and later re-approved in 2014 however the approved site plan expired in 2019. The portion of the PCD involving the subject parcel was slated for a 3,080 Sq Ft restaurant.

PROJECT/PETITIONER NUMBER:	P22-15-CZD	
PETITIONER NAME:	Dennis Terry [applicant] NC Hendersonville Upward Road, LLC [owner]	
ATTACHMENTS:	 Staff Report Proposed Site Plan / Elevations Neighborhood Compatibility Summary Tree Board Summary Proposed Zoning Map Draft Ordinance Application / Owner Signature Addendum 	

<u>CONDITIONAL REZONING: UPWARD ROAD RESTAURANT (P22-15-CZD)</u> <u>CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT</u>

PROJECT SUMMARY	2
EXISTING ZONING & LAND USE	3
SITE IMAGES	4
SITE IMAGES	5
SITE IMAGES	6
REZONING HISTORY	7
FUTURE LAND USE	8
REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)	9
REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)	0
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)	11
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT	12
STAFF SITE PLAN REVIEW – SUMMARY COMMENTS	13



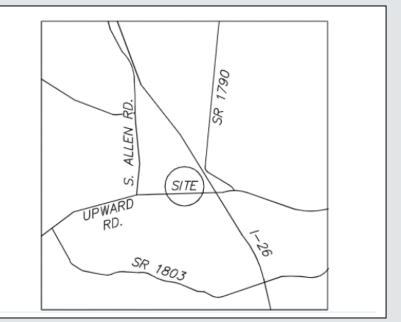
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PROJECT SUMMARY

- Project Name & Case #:
 - Upward Road Restaurant
 - P22-15-CZD
- Applicant & Property Owner:
 - Dennis Terry [applicant]
 - NC Hendersonville Upward Road, LLC [owner]
- Property Address:

No Address Assigned

- Project Acreage:
 0.75 Acres
- Parcel Identification (PIN):
 9588-20-6649
- Current Parcel Zoning:
 - PCD (Planned Commercial Development Conditional Zoning District)
- Requested Zoning:
 - CHMU-CZD (Central Highway Mixed Use - Conditional Zoning District)
- Future Land Use Designation:
 - o Regional Activity Center
- Neighborhood Compatibility Meeting:
 March 1, 2022



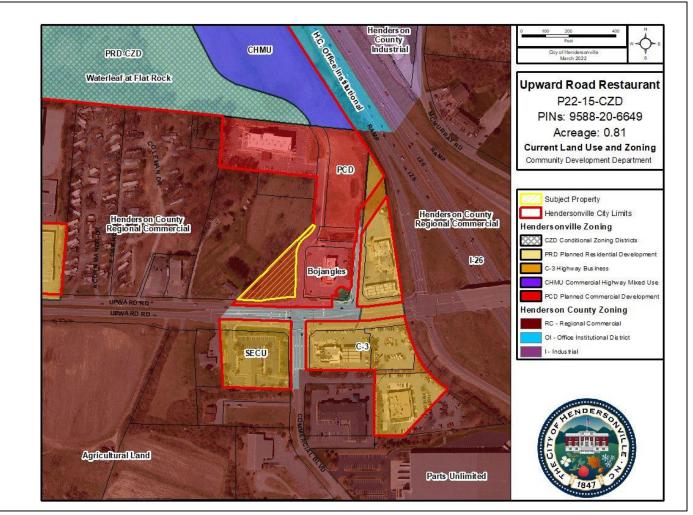
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis Terry (applicant) and NC Hendersonville Upward Road, LLC (Property Owners). The applicants are requesting to rezone the subject property, PIN 9588-20-6649 and located on Upward Road, from PCD, Planned Commercial Development to CHMU CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 950 square foot drive in restaurant on approximately 0.75 acres. The CHMU permits drive-in restaurants.

The subject parcel was previously a part of a multi-phased Planned Commercial Development – Special Use Permit that was first approved in 2008 and later re-approved in 2014 however the approved site plan expired in 2019. The portion of the PCD involving the subject parcel was slated for a 3,080 Sq Ft restaurant.

 ${\tt Page}\, 2$

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned PCD-CZD, Planned Commercial Development Conditional Zoning District as it was part of a multi-phased project discussed later in this report. The property is bordered to the east, northeast and adjoined via Upward Crossing Blvd to the remainder of the parcels zoned PCD. Access to the I-26 interchange at Upward Rd is the dominate factor driving development/redevelopment in the area.

To the west and north of the parcel the zoning is Henderson County – Regional Commercial. Some of the uses present in this area are fast food, financial (bank), convenience/gas station, hotel, manufacturing, mobile home park, large agricultural tracts and single-family homes on large tracts of land that could be redeveloped.

Other recent rezonings have occurred on properties north of the site which lay between I-26 and S. Allen Rd. These properties include not-yet-constructed multi-family residential uses (PRD zoning) that have been approved in the last I2 months. Additional vacant land in this area was recently annexed and zoned CHMU – a zoning district created specifically for this area.

The subject property is located in the Upward Rd Planning District adopted in 2011 along with the CHMU zoning district.

148

SITE IMAGES



View facing north along Upward Crossing from Upward Rd



View facing east along Upward Rd from Upward Crossing

 $_{Page}4$

SITE IMAGES



View of large mature trees along site boundary



View of large mature trees along site boundary

Page **5**

SITE IMAGES





View of proposed site entrance area looking toward intersection of Upward Crossing and Upwards Rd..

 $_{\text{Page}}6$

REZONING HISTORY

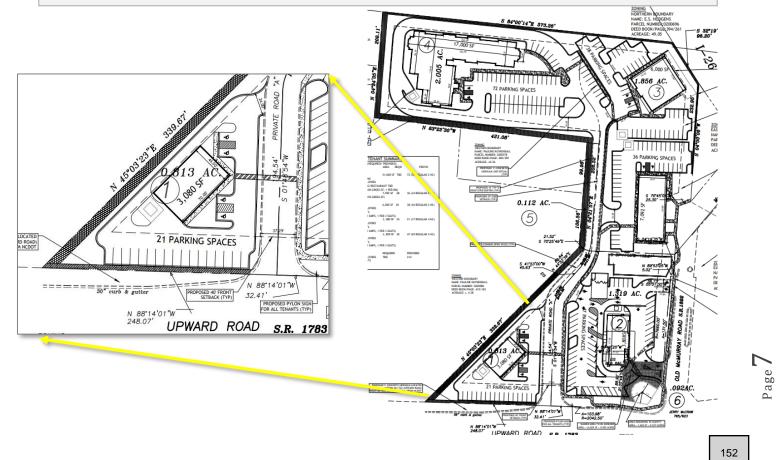
Prior Rezoning	Summary of Prior Petition	Status
Initial PCD zoning (2008) PCD Reapproved (7/3/2014) Expired (7/3/2019)	A site plan for a multi- phased retail, hotel and restaurant Planned Commercial Development.	Preliminary Site plan was approved by City Council- Final site plan was approved for portions of the development, but never fully developed.

Minutes from July 3, 2014 City Council meeting:

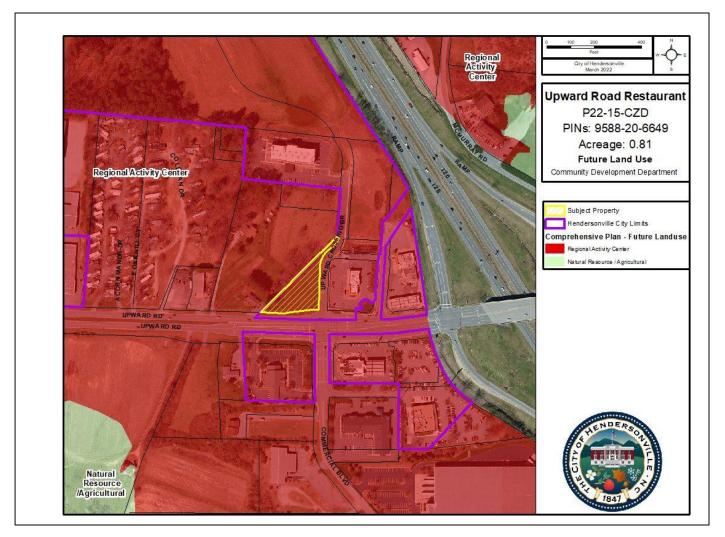
https://library.municode.com/nc/hendersonville/munidocs/munidocs?nodeld=2d9a5168057e4

Upward Road Property PCD

- 6.197 Acres
- 70,981 Sq Ft of Buildings
 - Hotel 51,000 Sq Ft (built)
 - o Retail 7,092 Sq Ft
 - o Restaurant 6,000 Sq Ft
 - Restaurant 3,809 Sq Ft (built)
 - Restaurant 3,080 Sq Ft (current proposal)



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as **Regional Activity Center** and it is located within an **Activity Node** as indicated in the City's Future Land Use Map. Restaurants are a primary recommended land use in the Regional Activity Center designation.

All parcels in the surrounding area share this same designation which can be attributed to the proximity to the interchange with I-26 and Upward Rd. I-26 is classified as a Freeway and Upward Rd is a Boulevard according to the City's Comprehensive Plan.

The only other future land use designation in proximity to the subject property is Natural Resource / Agricultural due to the presence of the Dunn Creek floodplain to the south of Upward Rd and east of I-26.

The subject parcel is also part of the Upward Rd Planning Area which was adopted in 2011 in response to the need to manage growth outside the ETJ in an area where sewer service would be desired.

Page

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

GENERAL REZON	ING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	 Goal LU-9 Regional Activity Center: "Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects." [CONSISTENT] Strategy LU-9.1. Locations: Commercial areas surrounding the US64/I-26 and Upward Road/I-26 interchanges. [CONSISTENT] Strategy LU-9.2. Primary recommended land uses: Restaurants [CONSISTENT] Strategy LU-9.4. Development guidelines: Mitigation of bulk of large buildings through façade detailing and window coverage [CONSISTENT] Hiding of large parking lots (more than one double-row deep) from thoroughfares with out-lot structures [CONSISTENT] Provision of pedestrian connections to parking and other buildings and properties [CONSISTENT] Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [INCONSISTENT] Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged [INCONSISTENT] Location of all parking to the side or rear of buildings or in a garage encouraged [CONSISTENT] Improved pedestrian connections to surrounding neighborhoods [CONSISTENT] 	
Land Use & Development	Growth Management: The property is designated as a " Priority Growth Area " on the Growth Management Map (Map 8.3a). "Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services". [CONSISTENT] Development Framework: The subject parcel is not listed as " Development Opportunity " in the Comprehensive Plan's Map 8.2b: Development Framework due to the fact that the parcel was part of a previously-approved PCD that was not fully constructed. [CONSISTENT]	

STAFF REPORT | Community Development Department

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY			
Population & Housing	 Strategy PH-1.4. Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map. Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services 		
Natural & Environmental Resources	 Strategy NR-2.3. Promote preservation of woodlands Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management. 		
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.		
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.		
Water Resources	• Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.		
Transportation & Circulation	 Strategy TC-1.1 Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses. Goal TC-5 Enhance key gateways to the community in order to present a positive first impression and increase civic pride. Strategy TC-5.1 Incorporate aesthetic improvements such as landscaped medians and street trees along roadways. Strategy TC-5.2 Enhance key entrances within the City, as indicated on Map 7.3a 		

GENERAL REZON	ING STANDARDS		
	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –		
Compatibility	The proposed site plan is for a automobile-oriented quick service restaurant which also features a walk-up window. Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway) and proximity to proposed Multi-Family apartments, both the drive-through and walk-up windows and location of the site are compatible with the area.		
Changed	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -		
Changed Conditions	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area.		
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 - Additional commercial development within the City will generate additional tax		
	revenue. Additional food options will expand opportunities for residents and visitors and the		
	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		
Public Facilities	The development has been reviewed by the City of Hendersonville Water & Sewer Dept. The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Upward Crossing Rd is currently privately maintained.		
	The development has been reviewed by the City Fire Dept and will also be served by the City of Hendersonville Police.		
	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 -		
Effect on Natural Environment	Site is mostly a greenfield, new development reflects an increase in impervious surfaces.		
	The site currently has 14 trees 12" or greater DBH on or adjacent to the property line of the site. The developer is proposing to remove approximately 5 trees and retain 3 trees on the site. The remaining 6 trees are on the adjacent property. The applicant is also proposing to plant 8 new trees. An additional 18 are required to meet the standards for a Type B buffer.		

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

The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9.

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 Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants.
- The development will provide additional food options for residents and visitors
- The subject property is consistent with the interstate interchange-oriented development occurring in this area.
- The subject property is located in a "Priority Growth Area"

DRAFT [Rational for Denial]

- The development would require a reduction of the vehicular area setback standards
- The development requires a 50% reduction of the required Common Open Space
- The development does not meet all the design standards for the CHMU due to a reduction in the dept of the building offsets.

Section 5. Item D.

STAFF SITE PLAN REVIEW - SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- The site plan accompanying this petition contains the following provisions:
 - I I-story, 950 Sq Ft drive-thru/walk-up restaurant building
 - o 18' in height
 - 12 Parking Spaces provided
- Requested Uses: Restaurant

Developer Proposed Conditions:

- $\circ~$ Vehicular use setback: 5' from ROW line
- \circ Common Space Ratio: Greater than or equal to 0.05
- \circ Building offset: the depth of the offset can be as little as 1/15th and up to 1/5th the length of the longest adjacent wall panel.
- Loading Zone to be removed from required standards.
- $\circ~$ Preserved trees shall be protected to the extent feasible with respect to required construction activities.
- $\circ~$ Eradicate invasive plant species throughout the property as listed in the recommended landscape species list for street trees and land development projects.
- $\circ~$ Trees that are required for Type B buffer that are not able to be placed adjacent to retaining wall shall be relocated on property.

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 Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
 - Addressed through Developer Proposed Conditions:
 - The Type B buffer needs to include 4 canopy trees per 100 liner feet [See developer proposed condition]
 - I 36" Oak is slated for preservation and Tree Credits (5). Existing vegetation protection standards are not satisfied [See developer proposed condition].
 - Common Open Space is provided at 5% of the site rather than the required 10%. [See developer proposed condition]
 - Vehicular use area setback is 5' rather than the required 20'. [See developer proposed condition]
 - The building offsets are proposed to be 1/5th the length of the longest adjacent wall panel rather than the required 1/10th or minimum of 1' projection depth.[See developer proposed condition]
 - Resolved:
 - Type B buffer shown as 175 LF but site has 450 LF of adjacent property line. As shown, site plan reflects 7 required trees. 450 LF of buffer requires 18 trees. [resolved]]
 - Indicate how 5-27-4.1.4 d & e will be satisfied [resolved]

- Provide info on how you are satisfying 5-27-4.1.5 (3 Architectural Details) [resolved]
- Provide Building Materials per 5-27-4.1.6 and 5.27-4.1.10 and 18-6-4.8 [resolved]
- Indicate how 5-27-4.1.7 is being satisfied [resolved]
- Address cross-connection with adjacent property (18-6-4.6) [resolved]
- Provide internal pedestrian access / connection to building from public sidewalk and consider sharpening radius at drive-thru exit, creating shorter crossing and placing crosswalk for walk-up orders/employee access (6-12-2, 5-27-4.1.3, 5-27-4.1.9, & 18-6-4.6).[resolved]
- Provide Landscaping Calculations to determine compliance [resolved]

Proposed City-Initiated Conditions:

o None

CITY ENGINEER

Site Plan Comments:

• Concrete drive apron/sidewalk through drive should be called out as 6" thick

Proposed City-Initiated Conditions:

 \circ None

FIRE MARSHAL

- Site Plan Comments
 - o None

Proposed City-Initiated Conditions:

• None

STORMWATER ADMINISTRATOR

Site Plan Comments:

 It appears that the current drainage plan is to tie into the existing stormwater basin behind Bojangles. If this is the plan, stormwater calculation will be required to demonstrate that the existing basin has the capacity to treat the additional runoff from the new site. [resolved]

Proposed City-Initiated Conditions:

o None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

o None

Proposed City-Initiated Conditions:

• None

PUBLIC WORKS DIRECTOR:

159

Site Plan Comments:

 Sidewalk encroachment permit needed from NCDOT - submit to City for approval.

Proposed City-Initiated Conditions:

 \circ None

NCDOT

Site Plan Comments:

- None
- **Proposed City-Initiated Conditions:**
 - \circ None

TRANSPORTATION CONSULTANT

Site Plan Comments & Recommended Conditions:

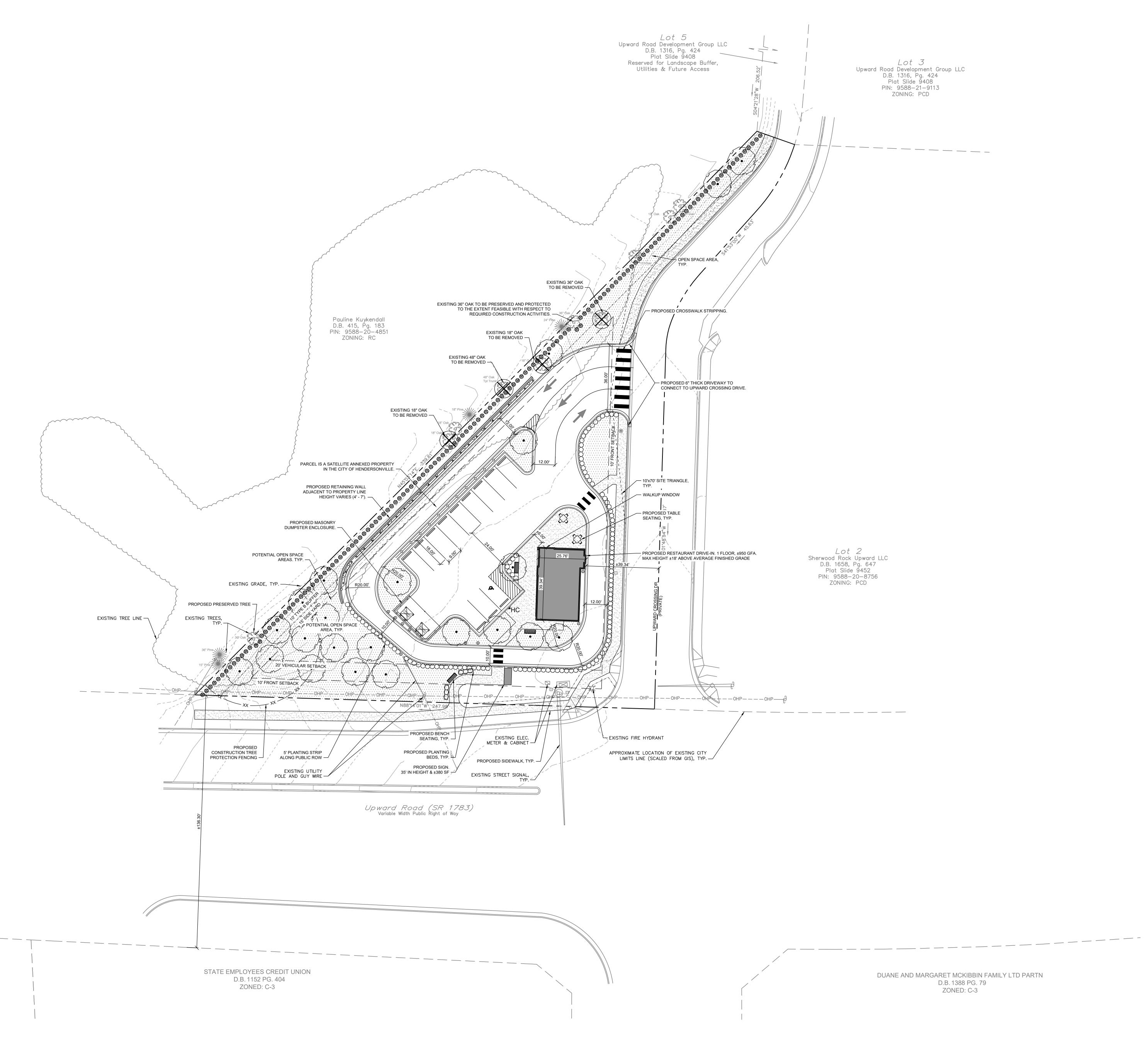
 Jonathan Guy with Kimley Horn did not review this project since a TIA was not triggered by the zoning ordinance and NCDOT did not relay any traffic concerns to the City.

TREE BOARD

Site Plan Comments & Recommended Conditions:

• See attached Tree Board Summary

Page 1



daniel soder, V3 Southeast

ZONING SUMMARY:

OWNER: NC HENDERSONVILLE UPWARD ROAD LLC OWNER ADDRESS: 201RIVERPLACE STE 400

GREENVILLE, SC 29601 CIVIL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLLC BLOC DESIGN PHONE #: 704-940-2883 DEVELOPER: SELWYN PROPERTY GROUP

ZONING DESIGNATION: PCD PROPOSED ZONING: CHMU-CZD

PARCEL SIZE: 0.75 ACRES JURISDICTION: CITY OF HENDERSONVILLE (PARCEL IS A SATELLITE ANNEXED PROPERTY)

DISTANCE TO NEAREST AIRPORT: 1.1 MILES PARCEL NUMBER: 9578642305

BUFFER REQUIREMENTS FRONT: N/A SIDE: TYPE B TO RESIDENTIAL SETBACK AND YARD REQUIREMENTS FRONT: N/A SIDE: N/A REAR: N/A REAR: N/A

SCREENING REQUIRED FRONT: N/A

SIDE: N/A REAR: N/A

PARKING/VEHICULAR USE: REQUIRED TO BE SCREENED FROM ABUTTING PROPERTY AND FROM PUBLIC VIEW FROM A PUBLIC STREET. 5' PLANTED AREA.

<u>PARKING SUMMARY (RESTAURANT, DRIVE-IN):</u> <u>1 PER 3 SEATS/STOOLS PLUS 1 PER EACH 2 EMPLOYEES</u> REQUIRED PARKING: 6 (8 SEATS = 3 SPACES + 6 EMPLOYEES = 3 SPACES) PROVIDED PARKING: 12 (REGULAR:11; ACCESSIBLE: 1 (VAN SPACE)

COVERAGE CALCULATION: TOTAL PROJECT AREA: ± 33,375 SF / 0.81 ACRES PERCENT OF SITE TO BE COVERED BY BUILDINGS: ± 2.7% PERCENT OF SITE TO BE COVERED BY OPEN SPACE: ± 25.9% PERCENT OF SITE TO BE COVERED BY STREETS & PARKING LOT: ± 33.9%

PERCENT OF SITE TO BE COVERED BY SIDEWALKS: ± 11.9% PERCENT OF SITE TO BE COVERED BY COMMON OPEN SPACE: ± 6.7%

LIST OF CONDITIONS:

- VEHICULAR USE SETBACK: 5' FROM ROW LINE COMMON SPACE RATIO: GREATER THAN OR EQUAL TO 0.05
- BUILDING OFFSET: THE DEPTH OF THE OFFSET CAN BE AS LITTLE AS 1/15TH AND UP TO 1/5TH THE LENGTH OF THE LONGEST ADJACENT WALL PANEL.
- LOADING ZONE TO BE REMOVED FROM REQUIRED CONDITIONS. PRESERVED TREES SHALL BE PROTECTED TO THE EXTENT FEASIBLE WITH
- RESPECT TO REQUIRED CONSTRUCTION ACTIVITIES. ERADICATE INVASIVE PLANT SPECIES THROUGHOUT THE PROPERTY AS LISTED IN
- THE RECOMMENDED LANDSCAPE SPECIES LIST FOR STREET TREES AND LAND DEVELOPMENT PROJECTS.
- TREES THAT ARE REQUIRED FOR TYPE B BUFFER THAT ARE NOT ABLE TO BE PLACED ADJACENT TO RETAINING WALL SHALL BE RELOCATED ON PROPERTY.

REQUESTED USE:

DRIVE-THRU AND WALK-UP RESTAURANT

PLANTING REQUIREMENTS:

TREES REQUIRED (ORDINANCE): ONE TREE PER 1000 SF OF COMMON SPACE. 1 x 8600 / 100 = 9 TREES REQUIRED

<u>TYPE B BUFFER:</u> 4 TREES PER 100 LF BUFFER TREE CALCULATION: 430 LF x 4 / 100 = 18 TREES REQUIRED 33 FLOWERING SHRUBS PER 100 LF SHRUB CALCULATION: 430 LF x 33 / 100 = 142 SHRUBS REQUIRED TREES PRESERVED: OAK 36" CREDITS:

5 TREES TOTAL TREES REQUIRED: 27

TREES PROVIDED: 22 9 TREES (8600 SF OF COMMON SPACE)

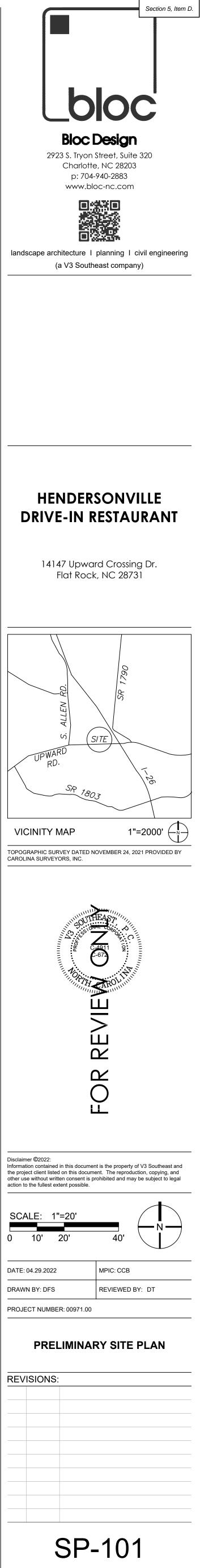
13 TREES (BUFFER)* (18 - 5)

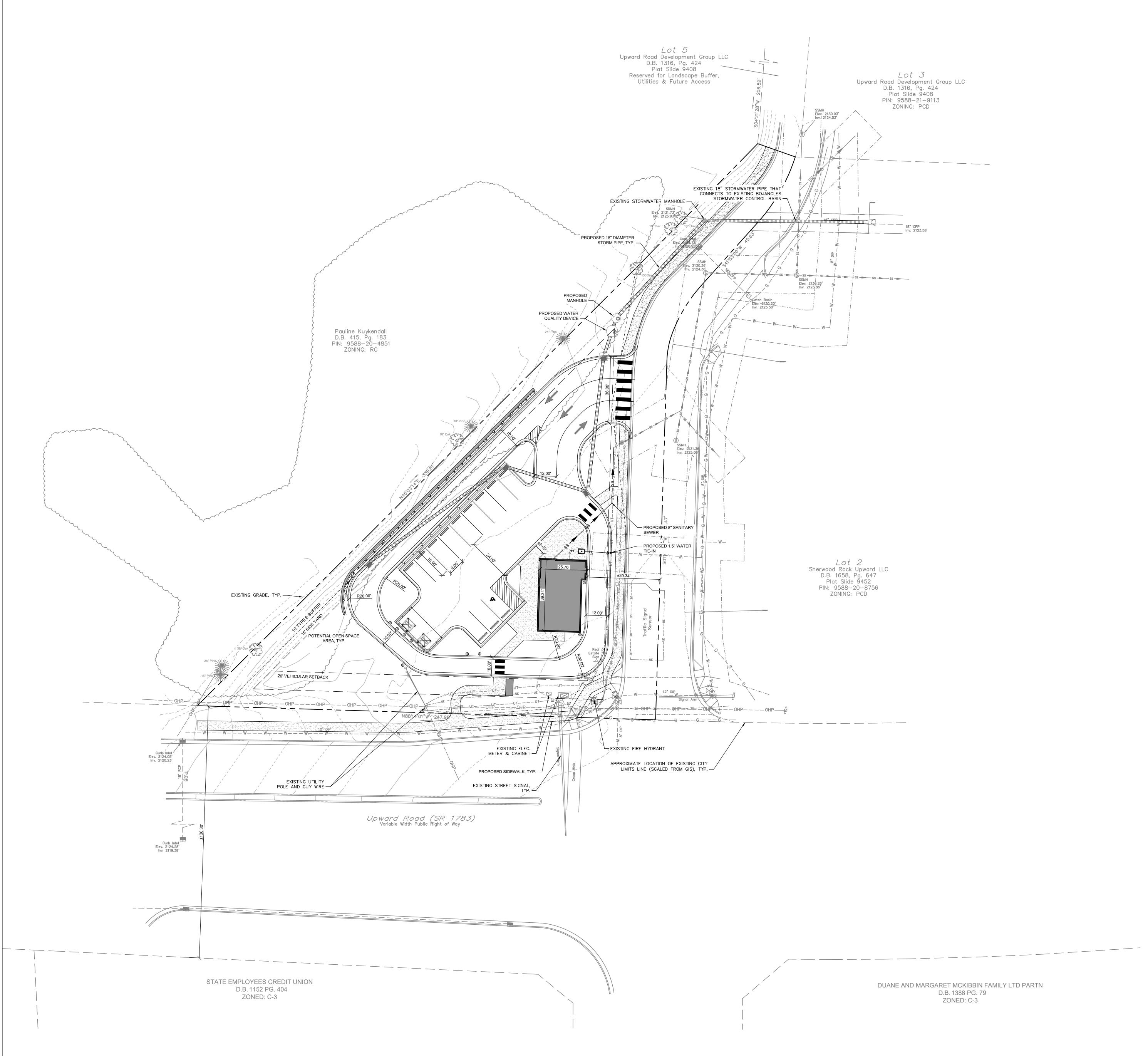
SHRUBS PROVIDED: 143

* REQUIRED TREES RELOCATED ON SITE PER TREE BOARD MEETING DISCUSSION ON 04.19.22



DUANE AND MARGARET MCKIBBIN FAMILY LTD PARTN D.B. 1388 PG. 79 ZONED: C-3





daniel soder, V3 Southeast

SEE SHEET SP-101 FOR ZONING SUMMARY AND PROPOSED LIST OF CONDITIONS.

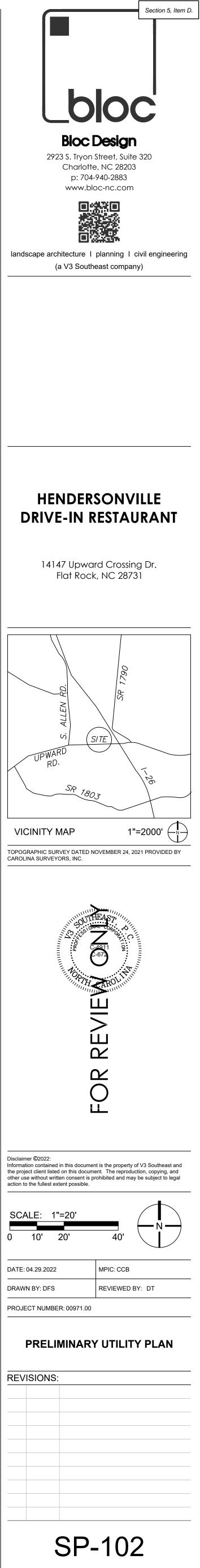
Lot 3 Upward Road Development Group LLC D.B. 1316, Pg. 424 Plat Slide 9408 PIN: 9588-21-9113 ZONING: PCD

/ _ _ _ _ _ _ _ _ _ _ _ _ _

DUANE AND MARGARET MCKIBBIN FAMILY LTD PARTN D.B. 1388 PG. 79 ZONED: C-3



 CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC. 2. ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF HENDERSONVILLE.





<u>NEIGHBORHOOD COMPATIBILITY MEETING KELOKT</u> <u>UPWARD RD RESTAURANT (P22-15-CZD)</u> <u>NCM Meeting Dates: March 1, 2022</u>

PETITION REQUEST: Conditional Rezoning: Central Highway Mixed Use - Conditional Zoning District (CHMU-CZD)

APPLICANT/PETITIONER: Dennis Terry (applicant) / Philip Wilson, NC Hendersonville Upwards Road LLC (owner)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on March 1, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 16 minutes.

There were 0 members of the public in attendance in-person with 2 others attending virtually including the development team's Landscape Architect, Dennis Terry. Three members of City staff were in attendance.

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

There were no pre-submitted comments.

The development team was allowed to present their proposed project. And an opportunity was given for those in attendance to ask questions and share their thoughts.

Ken Fitch of Patton St was the only person to speak. He asked questions about interior dining (there will not be interior dining), number of staff on a shift (not known at the time), utilization of Dark Sky compliant lighting, and the hours of operation (not known at the time). He also asked if a TIA was triggered (it was not) and responsible parties for reviewing access to Upward Crossing Blvd (private drive).

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

Section 5, Item D.



TREE BOARD RECOMMENDATION UPWARD ROAD RESTAURANT (P22-15-CZD) APRIL 19, 2022

PETITION REQUEST: Conditional Rezoning: Central Highway Mixed Use - Conditional Zoning District (CHMU-CZD)

APPLICANT/PETITIONER: Dennis Terry (applicant) / Philip Wilson, NC Hendersonville Upwards Road LLC (owner)

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at a regular meeting on April 19, 2022. The following Tree Board members were present: Mark Madsen, Mary Davis, Andy Crawford, and Glenn Lange. The following Members were absent: Mac Bracket, Landon Justice, and Pat Christie.

After a discussion with the developer regarding the proposed site layout and the impact of the proposed retaining wall and proposed stormwater management system, the Tree Board made the following motion:

MOTION

The motion was made by Glenn Lange:

Based on the following guiding city code documents (the 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 I.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 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 protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following development conditions be placed on this property:

1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit.

2. Of the proposed trees depicted on the review documents (7) and those required for the Type B buffer (4 per 100 feet), 25% must be large maturing trees and 25% must be medium maturing trees as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects.

3. Eradicate invasive plant species throughout the property as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects.

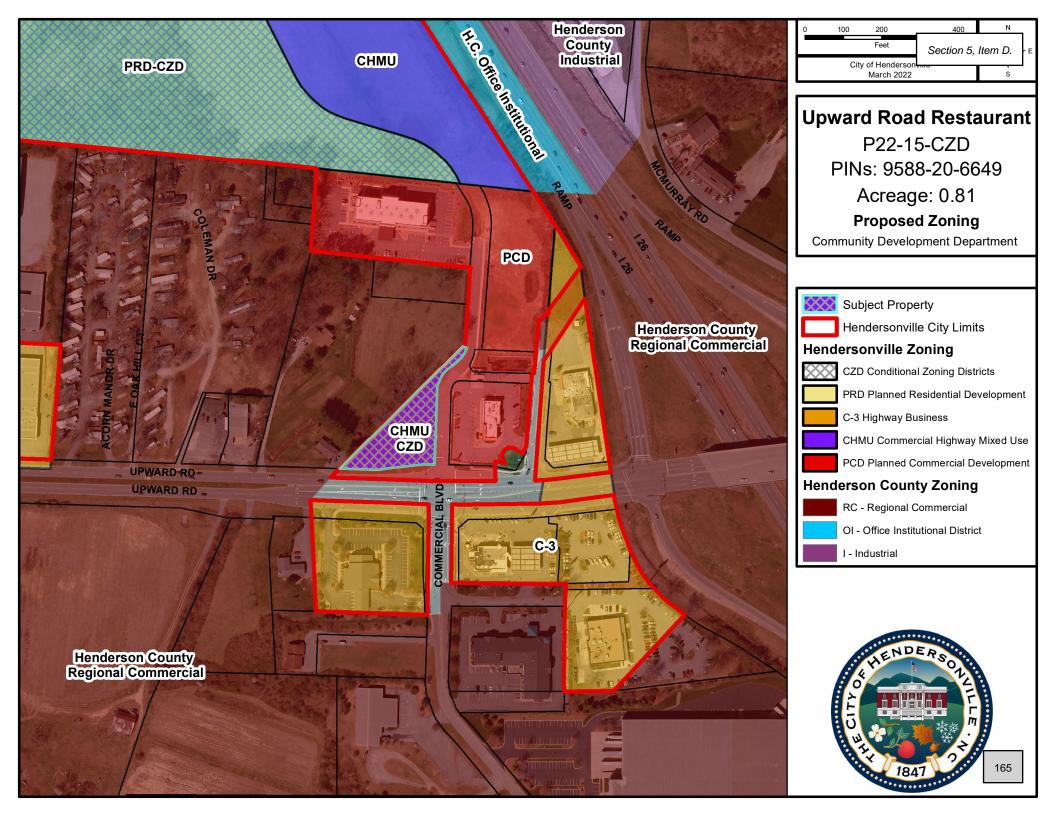
4. Recommend shortening of northern end of the retaining wall and to shift the location of the northern end of the retaining wall toward the drive-thru lane to minimize impact to the existing trees.

Motion: Lange

Yeas: All

Nays: None

Recused: None



Ordinance #O-22-___

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PARCEL IDENTIFICATION NUMBER 9588-20-6649 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO CHMU-CZD, COMMERCIAL HIGHWAY MIXED USE - CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Dennis Terry (Applicant) and Philip Wilson of NC Hendersonville Upward Road, LLC. (Owner) for the development of a 950 square foot drive-in/walk-up restaurant on approximately 0.75 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 9th, 2022; voting 0-0 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 June 2nd, 2022, and

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

- 1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9588-20-6649 by changing the zoning designation from PCD, Planned Commercial Development to CHMU-CZD, Commercial Highway Mixed Use - Conditional Zoning District.
- 2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and the conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Restaurant
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted and dated April 29, 2022 [or as modified and presented].
- 3. This ordinance shall not be effective until the stipulated 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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: Parcel Number: 9588-20-6649 – (Upward Road Restaurant) - (File # P22-15-CZD)

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

Applicant/Developer: Dennis Terry	Property Owner: <u>NC Hendersonville Upward</u>
Signature:	Road, LLC.
Signature	Signature:
Printed Name:	Printed Name:
Date:	
Duto	Date:

Read ~ Sect

○ Unread

Section 5, Item D.

Date Submitted: 2/10/2022 11:17 AM

Date: 2/3/2022

Entry #: 22

Name of Project 00971 - Hendersonville Retail

Address/Location of Property 605 Lexington Ave

List 10 digit PIN or 7 digit PID number for each property 9588206649

Check type of Development Commercial

Current Zoning PCD

List requested uses Restaurants, Drive-in

Total Acreage 0.75

Dwelling Units

Proposed Zoning CHMU-CZD - Commercial Highway Mixed Use with Conditional Zoning

Proposed Building Sq. ft. 1150

Conceptual Plan



00971_Hendersonville Drive-In Restaurant Sketch Plan (02.08.2

Conditional Zoning District Petition (Continued)

Proposed conditions for the site:

The proposed conditions are such that:

The vehicular use proposed setback shall be lowered from 20 feet to 5 feet from the right of way line from Upward Road. The Common Space Ratio shall be lowered from 0.10 to 0.05. The depth of the building offset can be as little as 1/15th and up to 1/5th the length of the longest adjacent wall panel.

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

Explain consistency with the City's Comprehensive Plan:

The proposed rezoning fits the City's plan for this corridor as a commercial space.

2/10/2022

Explain compatibility with surrounding land uses:

East of the subject property is zoned as PCD and contains a Bojangles restaurant. South and East of the subject property is zoned as C-3 and contains a State Employees' Credit Union, McDonald's, and an Exxon gas station. North and West of the subject property is residential and not within Hendersonville City limits.

Explain whether changed conditional require a map amendment:

Modified conditions should not require a map amendment as this is not considered a "large-scale rezoning".

Explain how the petition is in the public interest:

The development would be a great addition to the area being that it is so close to Interstate 26. The proposed use follows the surrounding area by providing a service that has been very popular all over the country.

Explain whether adequate public facilities are available:

There is existing water and an existing fire hydrant located on site on the corner of the site.

Sanitary sewer is located on the northeast corner of the property.

There are two bus stops located close to the site, the first one is across the street immediately adjacent to the McDonald's and the second is located along South Allen Road ~0.4 miles away. The Blue Ridge Fire & Rescue is located ~1.0 miles away from the site. The Hendersonville Police Department is located ~4.5 miles away from the site.

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

The proposed development would increase runoff volume in the immediate area of the property but would be mitigated by storm water control measures.

There will be no adverse impacts to wetlands or streams as there are no wetlands or streams within the property.

Air and Noise measures would increase during construction but will return to similar levels once the project is fully constructed.

Additional information:

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

1. Henderson County Sedimentation & Erosion Control Permit

- 2. Stormwater management plan
- 3. Utility approval
- 4. NCDOT permit
- 5. Any other applicable permits as determined by the Development Assistance Department

Signature pages for Conditional Zoning District Petition

Designated Agent Dennis Terry

Address

2923 S Tryon Street, Charlotte, North Carolina 28203

Phone (704) 940-2883

Email DTerry@Bloc-NC.com

Applicant Name Dennis Terry

Dennis Terry

Address

2923 S Tryon Street, Charlotte, North Carolina 28203

Phone

(704) 940-2883

Signature

Doni Jam

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

Property Owner Name NC Hendersonville Upward Road LLC

Address 201 Riverplace Ste 400, Greenville, South Carolina 29601

PID or PIN # 9588206649 Signature

Philip J Wilson

Property Owner Name

Address

PID or PIN #

Signature

Signature pages for Conditional Zoning District Petition (continued)

2/10/2022

Section 5, Item D.

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

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

201 Riverplace, Suite 400, c/o Realtylink, LLc, c/o Realtylink, LLc, Greenville, South Carolina 29601

PID or PIN #

Signature