



**CITY OF HENDERSONVILLE**  
**PLANNING BOARD - REGULARLY SCHEDULED**  
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792  
Monday, September 12, 2022 – 4:00 PM

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**AGENDA**

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - A. Minutes of August 8, 2022
4. **OLD BUSINESS**
5. **NEW BUSINESS**
  - A. Rezoning: Conditional Zoning District – Hendersonville Connections (P22-66-CZD) – *Matthew Manley, AICP – Planning Manager*
  - B. Zoning Text Amendment: Multi-Family in the 7<sup>th</sup> Ave MSD (P22-75-ZTA) – *Matthew Manley, AICP – Planning Manager*
  - C. Zoning Text Amendment: Parking Standards in C-1 (P22-72-ZTA) – *Matthew Manley, AICP – Planning Manager*
6. **OTHER BUSINESS**
  - A. Update on Proposals for Comprehensive Plan - *Lew Holloway, Community Development Director*
7. **ADJOURNMENT**

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

**Minutes of the Planning Board  
Regular Meeting - Electronic  
August 8, 2022**

**Members Present:** Stuart Glassman, Neil Brown, Tamara Peacock, Frederick Nace, Jim Robertson (Chair), Peter Hanley, Barbara Cromar, Laura Flores, Jon Blatt, (Vice-Chair), Andrea Martin

**Members Absent:**

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

- I Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*
- II Approval of Agenda.** *Mr. Hanley moved for the agenda to be approved. The motion was seconded by Ms. Cromar and passed unanimously.*
- III Approval of Minutes for the meeting of July 11, 2022.** *Mr. Glassman moved to approve the Planning Board minutes of the meeting of July 11, 2022. The motion was seconded by Mr. Nace and passed unanimously.*
- IV Old Business**
- V Other Business**
- V(A) Analysis of Impediments to Fair Housing – Discussion**  

Mary Roderick, Regional Planner from the Land of Sky Regional Council gave a presentation to the Board concerning fair housing. She wanted feedback from the Board. She gave an overview of seven protected classes and had discussion on four points to review which was listed in her presentation. The Planning Board was in favor of looking at all lot sizes in the City of Hendersonville residential zoning districts and to look at manufactured housing as well.
- V(B) Planning Board Committee Assignments.** Mr. Manley gave a brief overview of the Committees for the new members. Chair stated the new members could discuss the appointments with him after the meeting. Discussion was made about meeting remotely and how this will no longer be an option for now.
- V(C) Discussion on Zoning Reform.** No discussion was made.
- VI New Business**
- VI(A) Zoning Text Amendment – Multi-Family and Dimensional Standards in the MIC District (P22-64-ZTA)**  

Mr. Manley gave the following background:

This is a city-initiated amendment to the list of Permitted Uses and Dimensional Standards in the MIC zoning district. This amendment would allow multi-family in the MIC district and also reduce the setback requirements for the MIC zoning district. The maximum density would be 12 units per acre. The setbacks would be reduced from 30' on the front setback to 10' on local streets and reduced to 0' on major and minor

throughfares, which would only include 6<sup>th</sup> Avenue (US 64), 5<sup>th</sup> Avenue and N. Justice Street. As well as to reduce the minimum lot size and side and rear setbacks. Amendments to this section would include a provision to locate parking to the side and rear of a lot and to set residential density based on the amount of open space provided by a proposed development. Section 15-4-7 would also be amended to strike Minor PRD in the MIC district as this would be made obsolete with the reduction of setbacks and inclusion of multi-family residential as a permitted use in MIC.

The Planning Board Legislative Committee met in July and had support for the proposal.

The staff recommended changes are listed in the staff report. A map was shown of the MIC zoning district.

Mr. Manley explained the timeline for the MIC zoning district which first included multi-family as a permitted use. He stated that was later removed. This was also included in the staff report. He explained open space and zoning reform and discussed the reasoning behind the text amendment. The zero-setback requirement would only be for minor or major throughfares.

A draft Comprehensive Plan Consistency Statement was shown along with a reasonableness statement which is included in the staff report.

Mr. Blatt stated he has a problem with allowing parking only in the rear or side and not the front.

Ms. Cromar thought bringing the building closer to the street would look better but she had concerns about landscaping. Mr. Manley stated the city has landscaping requirements for parking lots and any new development would have to meet those requirements.

The Board discussed the right-of-way and having street trees. Mr. Blatt referred to the Entry Corridor Overlay District which requires street trees. Mr. Holloway stated that would be addressed during the site plan review process. Mr. Blatt stated lovely trees were shown on the site plan for the Pardee Science building, but they are not there now. He has a problem with allowing a zero- or five-foot front setback. He also stated they need clarification on the Entry Corridor Overlay District.

Mr. Holloway stated a lot of the mixed-use districts have a zero setback. This is to allow the developer to optimize the site. The zero setback would only be for properties on N. Justice and 6<sup>th</sup> Avenue.

Ms. Martin had concerns about design standards and felt like those should be added. Mr. Manley stated this is an older area of town and they could discuss adding design standards. He explained the design standards in the GHMU zoning district.

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

Chair opened the meeting for public comment.

Ken Fitch, 1046 Patton Street discussed in-fill development and issues in an area like this with increased density. There could be issues with parking and trees. There is a need for adequate parking and there is also an impact on traffic with more development. Removal of existing trees would also be an issue.

When no one else spoke, Chair closed the public comment.

The Board discussed adjacent properties being zoned residential and asking for a rezoning so that they could have multi-family as a permitted use. This would allow multi-family by right and would not have to be reviewed by the Tree Board. Mr. Blatt stated he has managed buildings that were up next to the road and those buildings have been hit by cars causing major damage. He was concerned about the zero-setback

requirement. He was also against parking being only on the side or rear of a building. Mr. Glassman also had concerns about this. The Board discussed setbacks and parking. Mr. Blatt stated having parking only in the rear would require two accesses. Mr. Glassman stated parking in the front was never an issue with his building. Ms. Peacock stated this would also require ADA parking to be in the back.

Staff discussed making recommendations of what they are in favor of concerning this text amendment and moving it forward to City Council. Mr. Holloway explained this was a staff-initiated amendment and he was nervous about adding design standards and felt like that needed to be discussed further. Mr. Manley stated the MIC zoning district was a relatively small area and included the hospital and surrounding areas.

The Board discussed design standards and removing the part concerning parking on the side and rear. Most of the Board members felt this should be tabled and revisited by staff.

***Mr. Blatt moved the Planning Board to table the text amendment for further review by staff. Mr. Nace seconded the motion which passed eight in favor and two against (Robertson, Peacock). Motion approved.***

**VI(B) Conditional Zoning District – Cottages at Mastermind (P22-55-CZD).** Mr. Manley gave the following background:

The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Tom Martinson and Elam Hall of DHI Communities, applicants and John and Betty Hammond, property owners. The applicant is requesting to rezone subject property PIN 9579-48-2415 and 9579-48-6832 and located off of Francis Road and Mastermind Lane from C-2, Secondary Business and R-40, Low Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of 99 units, which include 49 duplex units and one single family.

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

A Blueline stream was removed from the property by the Corp of Engineers and the buffer requirements would no longer apply.

The proposed conditions that have been agreed to were shown and are in the staff report. A TIA was not required but will be performed by the developer after the rezoning. Any mitigations will be the developer's responsibility.

The conditions reducing standards are as follows: 1. The developer requests relief from the 75' requirement for parking space distance from the residential units [Developer-initiated] 2. Developer to be granted relief from second fire/emergency access requirement [Developer-initiated] 3. Any developer-provided aerial stream crossing shall be elevated above the 100-Year Floodway/NEZ and permitted under applicable codes [Staff-initiated – Counter]. Mr. Manley stated the condition for relief from the second emergency fire access is no longer needed as this is no longer a requirement.

Proposed conditions that exceed the standards were shown in the presentation and were included in the staff report. The Tree Board had one concerning a vegetative planting plan which was not agreed to by the developer. The Floodplain Administrator and the Water & Sewer Department had the following condition: *The developer agrees to connect to existing gravity sewer on the south side of Allen Branch west of the subject property so long as it is feasible. If a connection is not currently feasible, then the developer shall use best efforts to obtain a sufficient utility easement from affected property owners for connection. In this instance, best efforts include an offer to purchase a utility easement on the affected land at market value as determined by a certified MAI appraisal. If the developer is unable to obtain a utility easement from the*



*affected property owners, then the developer may request that the City of Hendersonville obtain the needed utility easement from the affected property owner subject to the developer repaying the fair market value of the easement obtained by eminent domain. In this instance, fair market value shall be the value as determined by the condemning authorities' certified MAI appraisal or jury verdict, including any cost and attorneys' fees. If the City chooses not to use their powers of eminent domain, the developer may be permitted to install subsurface gravity sewer crossing the stream with adequate cover as determined by the City for sewer connection across Allen Branch Creek. If, upon review by City Staff, subsurface gravity sewer stream crossing is not feasible, the developer may be permitted to install a stream crossing without adequate cover after performing a flood study, at the developer's expense, showing no impact to flooding will occur. The aerial crossing is subject to the review by City Staff and shall be as near to the stream bottom as possible to reduce the amount of exposed pipe. This was not agreed to by the developer.*

A map showing the sewer locations and options was shown and is included in the presentation. The manhole location was shown along with three options for sewer. The preferred option for the stream crossing was explained and shown. Also included was the proposed Greenway extension. Option one does not require a flood study. Crossing the creek will require a flood study.

A Neighborhood Compatibility meeting was held June 3, 2022 and was lightly attended.

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

The Future Land Use map was shown indicating the surrounding areas as Regional Activity Center and Natural Resource/Agricultural. This is included in the staff report.

The General Rezoning Standards and Comprehensive Plan Consistency goals were shown and discussed. These are included in the staff report.

A draft Comprehensive Consistency Statement was shown and is included in the staff report. A draft Reasonableness statement was shown and included in the staff report for both approval and denial.

Mr. Manley asked if there were any questions for staff. Mr. Glassman asked if these would be rentals or for sale condos. Mr. Manley stated he is not sure, but the applicant is here and can answer that.

Chair stated once the TIA is done and if mitigation is needed, that will have to be done by the developer at their cost. Mr. Manley stated yes, and they would be required to complete any mitigation before the final CO would be released.

Chair stated he thinks the idea of an elevated sewer line is horrific. Would this be the city's responsibility once completed? Mr. Manley stated yes.

There were no further questions for staff.

Warren Sugg, Civil Design Concepts stated he is the engineer for the project. Also attending are Tom Martinson and Elam Hall of DHI Communities. Mr. Sugg stated they have gone through several processes with staff such as the Tree Board and the Neighborhood Compatibility meeting. This development is for 99 units, which includes 49 duplexes and one single family home.

Mr. Sugg showed a site plan and pointed out the pool, clubhouse and the entry way road. He also pointed out the stormwater area and Allen Branch creek. He stated they would like relief from the 75-foot requirement for parking space distance from the residential units because it would be difficult to produce this. DHI has reached out to the adjacent property owner, and they are not willing to negotiate on a sewer easement onto their property. They have talked with Walmart and Sam's Club and going across Allen

Branch is an option. They just received the information about the greenway connection on Friday and their concern with that is the timing. They are not sure how long the condemnation process will take, and time is money lost. The developers would like to move forward as soon as possible.

Mr. Hanley asked if Walmart was agreeable to an easement on their property. Mr. Sugg stated yes, however there is a public line that is at a lower slope, and he is just not sure of the slope there. They believe option number two may be the best option for the sewer, but they are still in discussion and only received this information on Friday.

Mr. Sugg stated these units are one and two stories and will be rentals.

Mr. Blatt asked if a collection system with a pump could be an option. Mr. Sugg stated it could be possible, but he is not sure if city staff would want a pump with a gravity system. Chair stated he did not think the city would be in favor of a pump station.

Mr. Brown asked about having a cut-through to Highland Square Drive. Mr. Sugg stated it would be very difficult to do because of the large retaining wall that is there. Mr. Brown asked if the developer is willing to shield the lighting and have zero impact to the adjacent properties concerning the lighting. Mr. Sugg stated most likely the only lighting will be in the parking area and maybe some outside the units. Mr. Brown asked if he is willing to have the lights downward facing and be fully shielded. Chair stated site lighting needs to be shielded so that it does not bleed onto adjacent properties. Mr. Martinson stated yes, they can shield the lighting. Lighting on the sidewalk was discussed. Those lights would be small and only for pedestrians to see using the sidewalk. There would be no glare from these lights. It would be secure lighting in the pathways and would be shielded.

Stormwater controls were discussed and how the water would be detained, treated and released.

Mr. Blatt asked about fencing around the stormwater pond. Mr. Sugg stated for safety reasons they will provide fencing from any permanent pond.

Chair opened public comment. No one in the room spoke.

Ken Fitch (Zoom), 1046 Patton Street asked if the grass paved areas would be for all emergency vehicles to access. Mr. Sugg stated yes, all emergency vehicles could access those spots.

Chair closed the public comment.

The Board discussed the stream and the sewer connection. They did not feel the elevated access was an option. Mr. Holloway stated everyone would have to agree to the conditions. Staff will continue talking with the developer concerning the condemnation and the timeline for that. The Board can convey any desire to not include a condition.

**Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9579-48-2415 and 9579-48-6832 from R-40, Low Density Residential and C-2, Secondary Business to PRD CZD, Planned Residential Development Conditional Zoning District based on the site plan and list of conditions submitted and agreed to by the applicant, dated July 29, 2022, and presented at this meeting and subject to the following:** Mr. Manley stated the list of conditions that were submitted by the applicant includes a condition that they be granted the aerial stream crossing as long as it is above the Base Flood Elevation. You would need to say except for that condition and then under number 2 Permitted uses and applicable conditions presented on the site plan shall be amended to include, and then include the condition that was read earlier in the staff report. **1. The**

**development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses 1. Two-Family Residential 2. Single-Family Residential. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to exclude the aerial sewer connection and include the condition read by staff. 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 subject property is located in an area designated as a 'development opportunity' and 'priority growth area' according to the City's 2030 Comprehensive Plan. Furthermore, the Regional Activity Center Future Land Use designation recommends densities exceeding those proposed for this development. 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 development of two-family residential dwellings will provide a needed housing type. 2. The development would provide housing in close proximity to shopping and employment opportunities. Mr. Blatt seconded the motion. Chair stated they did not mention the lighting. Mr. Brown asked if they would accept an amendment to the motion. Mr. Hanley stated yes. Mr. Brown included a condition that within the requirements of the American's with Disabilities Act and per safety regulations, lighting shall be downward facing and fully shielded. Sidewalks away from the parking areas will use pedestrian height lighting as negotiated with city staff. Mr. Hanley included this amendment in the motion. Mr. Sugg stated he thinks they are on the same path on the lighting thing, but he will need a little time and go back to the condition as read by staff. The second condition read is the one they got Friday, and they will continue to work with staff, but they do not have it as a condition on the plans, it is not something they have agreed to at this moment. Mr. Holloway stated what will come from Planning Board and what they asked Planning Board to do is to review and make a recommendation and then when it goes to City Council there will be a clear list of what they have agreed to and any discussion of those things that you have not, and Council will review accordingly. Mr. Sugg asked if they could amend the condition on the lighting to say they would work with staff on the lighting. He heard a very specific code in the condition. Mr. Brown stated he referred to ADA which is a standard federal regulation and pertinent safety regulations which city staff knows more about than anyone up here. Mr. Manley discussed the lighting being safe and shielded. Mr. Sugg stated they would construct the lighting facing downward with shields. Mr. Brown seconded the motion with the included amendment. The motion passed unanimously.**

**VII Adjournment – The meeting was adjourned at 6:48 pm.**

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Jim Robertson, Chair



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

### PLANNING DIVISION

**SUBMITTER:** Matthew Manley, Planning Manager

**MEETING DATE:** September 12, 2022

**AGENDA SECTION:** New Business

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Conditional Zoning District – Hendersonville Connections (P22-66-CZD) – *Matthew Manley, AICP – Planning Manager*

#### **SUGGESTED MOTION(S):**

##### **For Recommending Approval:**

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868) from C-2-CZD (Secondary Business – Conditional Zoning District) to C-2-CZD (Secondary Business – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated \_\_\_\_\_, 2022,] and presented at this meeting and subject to the following:

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

Permitted Uses:

1. Day Center
2. Religious Institution

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

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

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

##### **For Recommending Denial:**

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868) from C-2-CZD (Secondary Business – Conditional Zoning District) to C-2-CZD (Secondary Business – 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 High Intensity Neighborhood Future Land Use designation recommends public and institutional uses as a secondary recommended land use. Compatibility is achieved through the implementation of landscape buffers per Strategy PH 1.1.

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

1. The proposed day center use is incompatible with adjacent residential uses

**[DISCUSS & VOTE]**

|   |  |
|---|--|
| <p>The High Intensity Neighborhood Future Land Use designation recommends public and institutional uses as a secondary recommended land use. Compatibility is achieved through the implementation of landscape buffers per Strategy PH 1.1.</p> <p><b>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:</b></p> <ol style="list-style-type: none"><li>1. The proposed use will provide a need to the underserved in the community.</li><li>2. The proposed use will be made compatible through the implementation of landscaped buffers.</li></ol> <p><b>[DISCUSS &amp; VOTE]</b></p> |  |
|---|--|

***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Moe Marks of Tamara Peacock Architects and Charles Morris of Grace Blue Ridge Presbyterian Church. The applicant is requesting to amend the C-2 Secondary Business CZD for the subject property at 109 Florence St ( PINs 9578-21-4699, 9578-21-4924, 9578-21-5614 and 9578-21-5868) located off of Brooklyn Ave for the establishment of a ‘day center’ on a portion of a 2.46 acre parcel.*

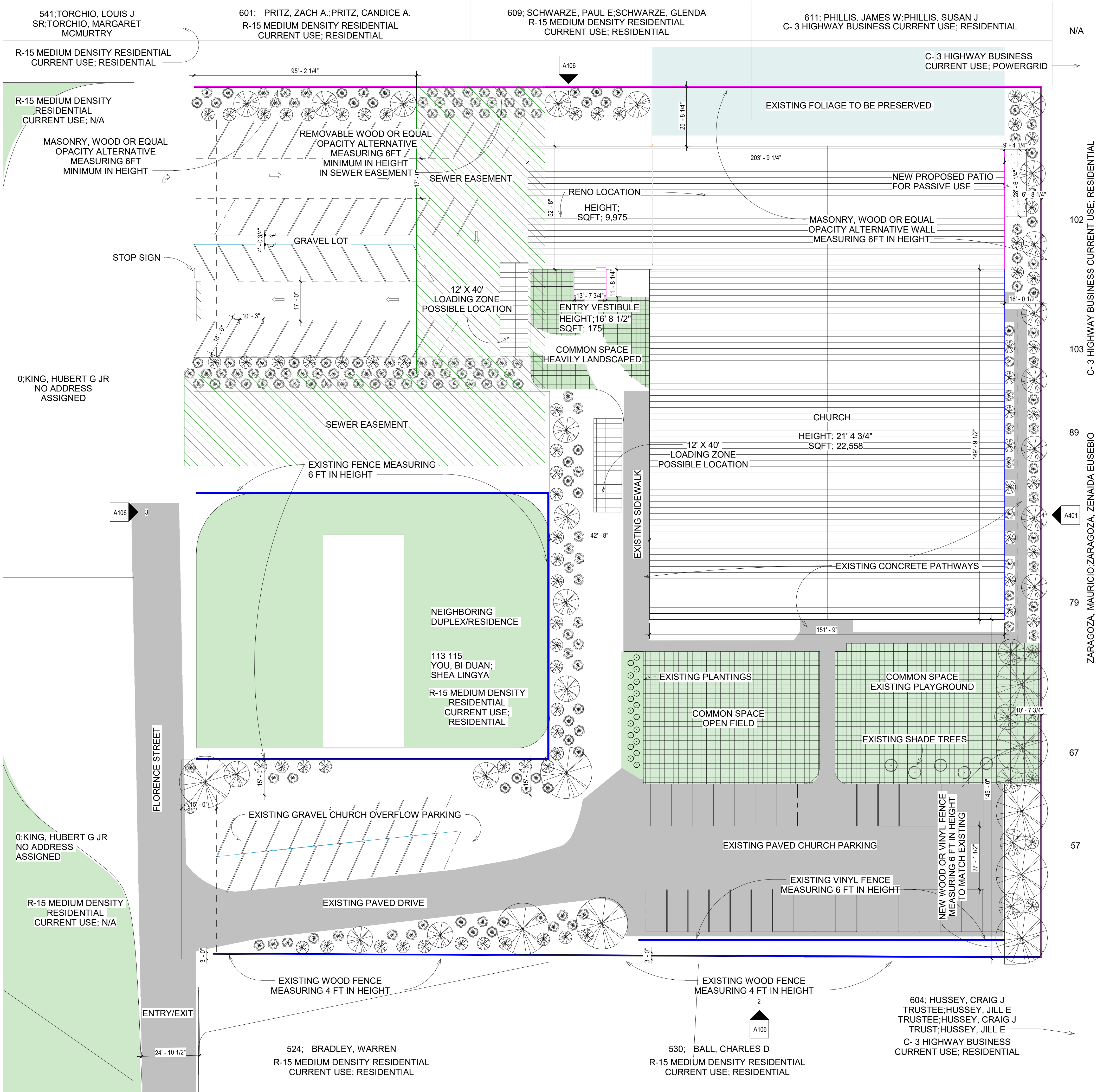
*The proposal includes the conversion of a 9,975 Sq Ft portion of an existing church structure into a day center which will serve those in need through the provision of a variety of services.*

*The proposal also includes improvements to the existing parking areas and significant landscaping in order to address the buffers required for day centers that are located adjacent to residential uses.*

*Beyond the existing religious institution and the proposed day center, there are no other uses are proposed to be permitted by the rezoning.*

|                                   |   |
|-----------------------------------|---|
| <b>PROJECT/PETITIONER NUMBER:</b> | P22-66-CZD  |
| <b>PETITIONER NAME:</b>           | - Moe Marks / Tamara Peacock Architects [Applicant]<br>- Charles Morris / Grace Blue Ridge PCA, Inc. [Owner]  |
| <b>ATTACHMENTS:</b>               | 1. Proposed Site Plan<br>2. Staff Report<br>3. Neighborhood Compatibility Summary<br>4. Tree Board Summary<br>5. Draft Ordinance<br>6. Proposed Zoning Map<br>7. Application / Owner Signature Addendum |





NOTE: DUE TO EXISTING VEGETATION, SITE RESTRAINTS AND EXISTING FENCING ALTERNATIVE COMPLIANCE MAY BE SOUGHT THAT WILL BE EQUAL TO OR BETTER THAN STANDARDS REQUIRED

REQUIRED BUFFER: 15' TYPE B BUFFER = PER 100 LINEAR FEET (4 CANPOY TREES 15 EVERGREEN SHRUBS AND 33 FLOWERING SHRUBS

DEVELOPER PROPOSED CONDITIONS;

|   |          |   |
|---|----------|---|
| NORTH BUFFER  | PROPOSED | NO TREES PLANTED WITHIN 50' SEWER EASEMENT  |
|   | REQUIRED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT. REMOVABLE 6' FENCING PROPOSED FOR ACCESS IN EASEMENT.  |
| EAST BUFFER   | PROPOSED | REAR OF BUILDING - PROPOSED PRESERVATION OF 152 FT OF EXISTING FOLIAGE IN LEU OF NEW PLANTINGS: 6' MASONRY, WOOD OR BARRIER OF EQUAL OPACITY OPTION WITHIN THIS 152 FT SECTION. |
|   | REQUIRED | REAR OF BUILDING - PROPOSED PRESERVATION OF 152 FT OF EXISTING FOLIAGE IN LEU OF NEW PLANTINGS: 6' MASONRY, WOOD OR BARRIER OF EQUAL OPACITY OPTION WITHIN THIS 152 FT SECTION. |
| SOUTH END OF BUFFER - (FIRST 150 FT FROM THE SOUTH) | PROPOSED | PROPOSED - 3 MEDIUM TREES + 10 EVERGREEN SHRUBS + 18 FLOWERING SHRUBS PER 100 LINEAR FT. 6' MASONRY, WOOD OR BARRIER OF EQUAL OPACITY OPTION TO BE PLACED IN THIS AREA.         |
|   | REQUIRED | PROPOSED - 3 MEDIUM TREES + 10 EVERGREEN SHRUBS + 18 FLOWERING SHRUBS PER 100 LINEAR FT. 6' MASONRY, WOOD OR BARRIER OF EQUAL OPACITY OPTION TO BE PLACED IN THIS AREA.         |
| WEST (NORTH INTERIOR)                               | PROPOSED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |
|   | REQUIRED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |
| WEST (EAST INTERIOR)                                | PROPOSED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |
|   | REQUIRED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |
| WEST (SOUTH INTERIOR)                               | PROPOSED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |
|   | REQUIRED | PROPOSED - 42 SHRUBS PER 100 LINEAR FT. IN EASEMENT.  |

|   | SQFT   | PERCENT OF SITE |
|---|--------|-----------------|
| TOTAL PROJECT AREA (BUILDINGS ONLY)                           | 32,703 | 29.3%           |
| TOTAL PROJECT AREA (ALL BUILDINGS+PROPOSED LANDSCAPE+NEW LOT) | 55,755 | 49.9%           |
| EXISTING CHURCH   | 22,558 | 20.2%           |
| EXISTING AREA TO BE RENOVATED                                 | 9,975  | 8.9%            |
| ENTRY VESTIBULE ADDITION                                      | 170    | .2%             |
| TOTAL LOT AREAS   | 27,522 | 24.6%           |
| NEW LOT AREAS (GRAVEL)  | 14,307 | 12.8%           |
| SITE COVERAGE   |        |                 |
| OPEN SPACE  | 16,362 | 14.6%           |
| STREETS AND PARKING - GRAVEL (NEW)                            | 14,307 | 12.8%           |
| STREETS AND PARKING - GRAVEL (EXISTING)                       | 9,393  | 8.4%            |
| STREETS AND PARKING - PAVED (EXISTING)                        | 15,141 | 13.5%           |
| OTHER FACILITIES  | N/A    | N/A             |

|                                |    |                                   |
|--------------------------------|----|-----------------------------------|
| EXISTING PARKING FOR DAYCENTER | 0  | CHURCH 1 SPOT PER 4 SEATS         |
| EXISTING PARKING FOR CHURCH    | 49 | SEATS; 266 (266/4=66.5)           |
| REQUIRED PARKING FOR DAYCENTER | 10 | DAYCENTER: 1 SPOT PER 2 EMPLOYEES |
| REQUIRED PARKING FOR CHURCH    | 67 | EMPLOYEES 20 (20/2=10)            |
| TOTAL REQUIRED PARKING         | 77 |                                   |
| SOUTH EAST LOT                 | 31 |                                   |
| SOUTH WEST LOT                 | 18 |                                   |
| NORTH LOT                      | 41 |                                   |
| TOTAL PROPOSED PARKING         | 90 |                                   |

| PLANT LEGEND |                                  |                |                |       |
|--------------|----------------------------------|----------------|----------------|-------|
| SYMBOL       | PROVIDED TYPE                    | REQUIRED TYPES | SIZE           | COUNT |
|              | SHRUB                            | X              | 3'-4' SPREAD   | 173   |
|              | FLOWERING SHRUB/ ORNAMENTAL TREE | X              | 5'-6' CANOPY   | 75    |
|              | MEDIUM TREE                      |                | 11'-12' CANOPY | 26    |
|              | LARGE CANOPY TREE                | X              | 22'-24' CANOPY | 9     |



REZONING: CONDITIONAL REZONING – HENDERSONVILLE CONNECTIONS  
(P22-66-CZD)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) ..... 10

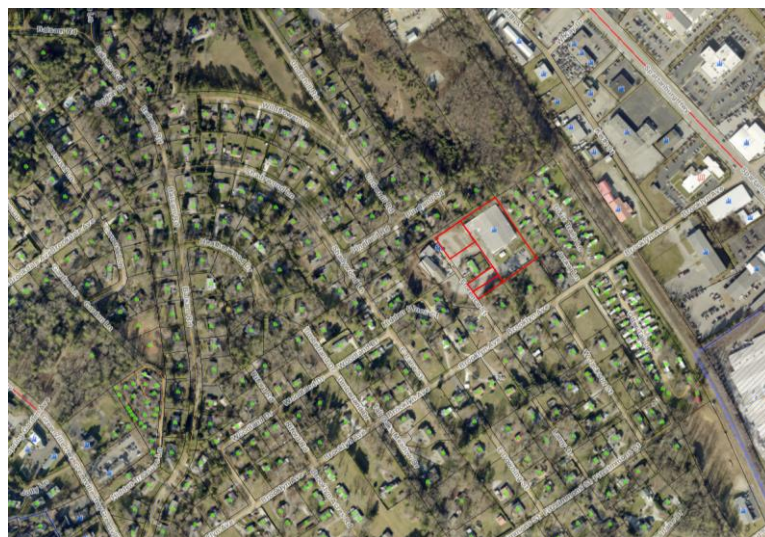
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## PROJECT SUMMARY

- Project Name & Case #:
  - Hendersonville Connections
  - P22-66-CZD
- Applicant & Property Owner:
  - Moe Marks / Tamara Peacock Architects [Applicant]
  - Charles Morris / Grace Blue Ridge PCA, Inc. [Owner]
- Property Address:
  - 109 Florence St
- Project Acreage:
  - 2.46 Acres
- Parcel Identification (PIN):
  - 9578-21-4699
  - 9578-21-4924
  - 9578-21-5614
  - 9578-21-5868
- Current Parcel Zoning:
  - C-2 CZD Secondary Business – Conditional Zoning District
- Future Land Use Designation:
  - High Intensity Neighborhood
  - Medium Intensity Neighborhood
- Requested Zoning:
  - C-2 CZD Secondary Business – Conditional Zoning District
- Requested Uses:
  - Religious Institution
  - Day Center
- Neighborhood Compatibility Meeting:
  - July 6, 2022
- Tree Board Meeting:
  - August 16, 2022



SITE VICINITY MAP

*The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Moe Marks of Tamara Peacock Architects and Charles Morris of Grace Blue Ridge Presbyterian Church. The applicant is requesting to amend the C-2 Secondary Business CZD for the subject property at 109 Florence St ( PINs 9578-21-4699, 9578-21-4924, 9578-21-5614 and 9578-21-5868) located off of Brooklyn Ave for the establishment of a 'day center' on a portion of a 2.46 acre parcel.*

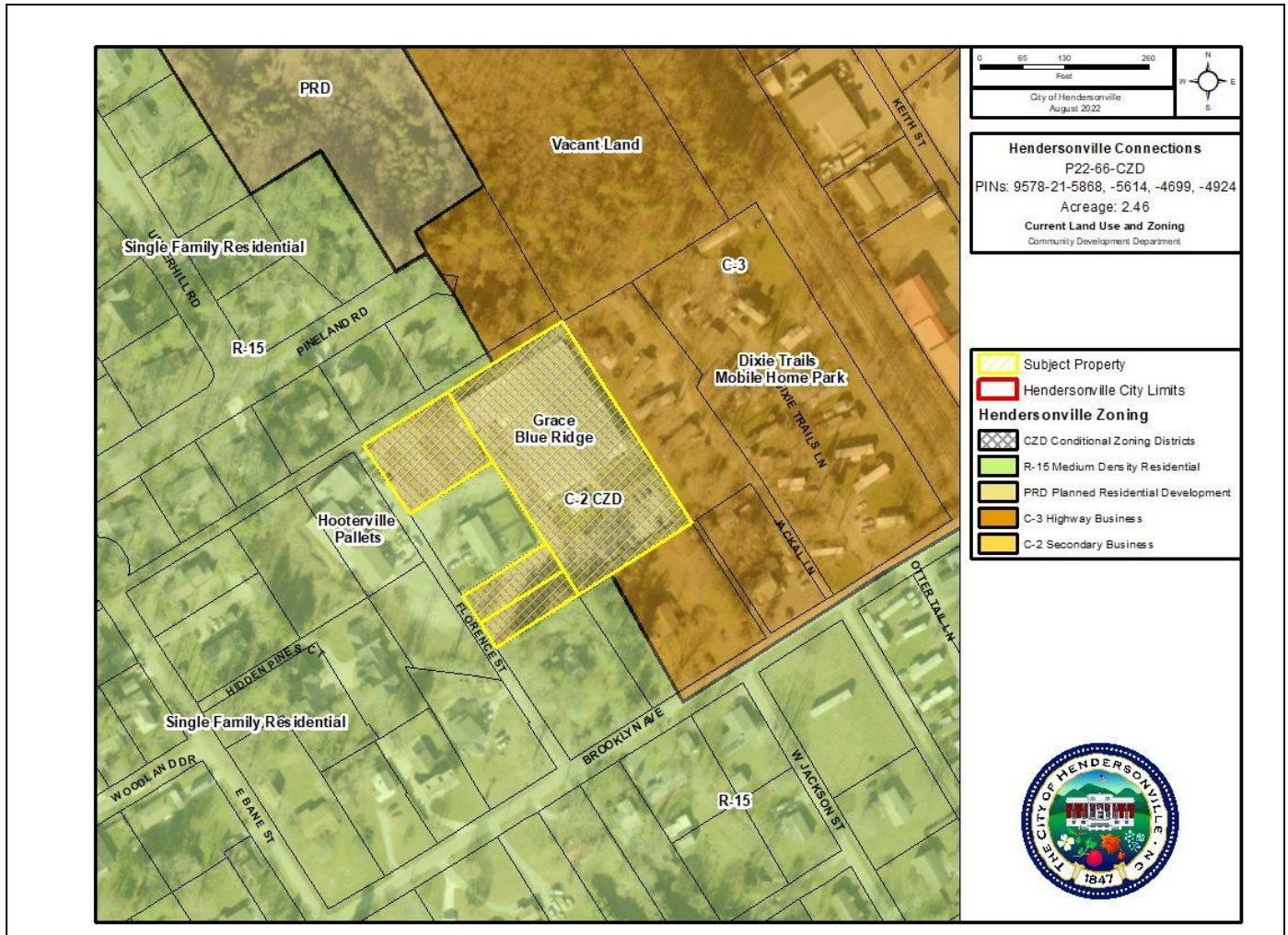
*The proposal includes the conversion of a 9,975 Sq Ft portion of an existing church structure into a day center which will serve those in need through the provision of a variety of services.*

*The proposal also includes improvements to the existing parking areas and significant landscaping in order to address the buffers required for day centers that are located adjacent to residential uses.*

*Beyond the existing religious institution and the proposed day center, there are no other uses are proposed to be permitted by the rezoning.*



# EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned C-2 CZD and sits at a transition point between the commercial zoning (C-2, Secondary Business) that lines Spartanburg Highway and the R-15, Low Density Residential zoning that encompasses the single/two-family neighborhoods located between Spartanburg Highway and Greenville Highway. East of the subject property is a mobile home community. To the north and south, the subject property abuts single-family uses. Directly to the west, the subject property abuts a duplex while a wood pallet manufacturing facility is located just across Florence St.

The subject property is located ¼ mile from the intersection of Spartanburg Highway and Brooklyn Ave. Spartanburg Highway is designated as a Boulevard. Brooklyn Ave is designated as a Minor Thoroughfare as it provides a connection from Greenville Highway (Major Thoroughfare) across Spartanburg Highway to a residential area east of Old Spartanburg Rd (Minor Thoroughfare).



SITE IMAGES



*Front View of principal building at subject property (facing northwest)*



*View of existing parking area and rear portion of building proposed for day center (facing northeast from Florence St)*



SITE IMAGES



*View of north side property boundary from Florence St*



*View of east side property boundary facing southeast (mobile home park to the left)*



SITE IMAGES



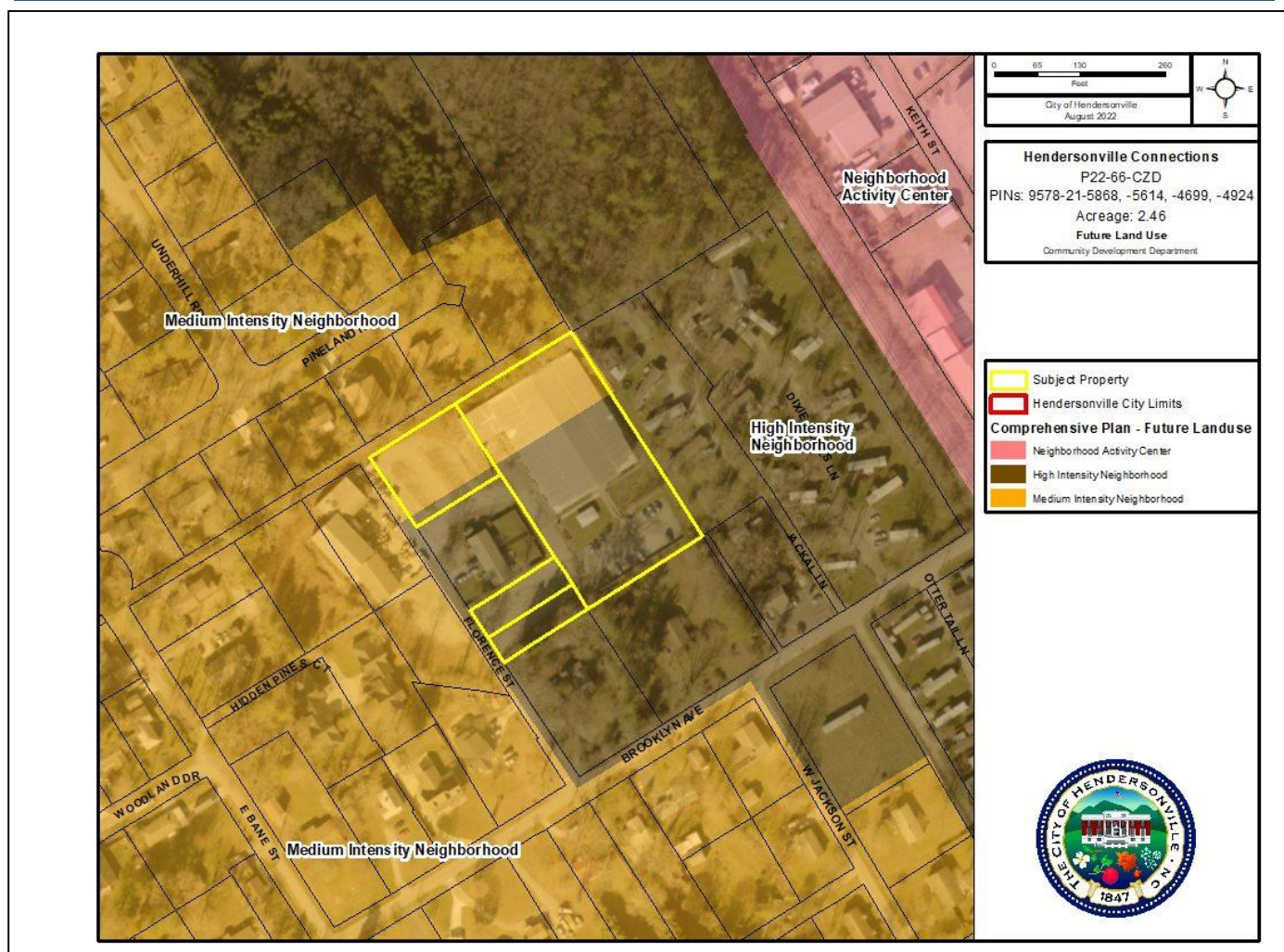
*View of existing parking area and southside property boundary (to the right) from Florence St. Duplex to the left and front of church in the background.*



*Rear view of existing duplex which is wrapped by subject property (facing west from front of church parking lot)*



# FUTURE LAND USE



City of Hendersonville Future Land Use Map

*The subject property has a split Future Land Use designation of High Intensity Neighborhood and Medium Intensity Neighborhood. Properties to the east and south are designated as High Intensity Neighborhood while properties to the north and west are designated as Medium Intensity Neighborhood.*

*The other designation in proximity to the site is Neighborhood Activity Center which flanks Spartanburg Highway. A small portion of Business Center is located further to the south off of Shepherd St.*

*Florence St is designated as a Local Street while Brooklyn Ave is designated as a Minor Thoroughfare.*

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

| GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY |  |
|--|--|
| Future Land Use  | <p>The subject property is primarily designated as <i>High Intensity Neighborhood</i> on the <i>Future Land Use Map</i>. While a portion of it is designated as <i>Medium Intensity Neighborhood</i>, staff is recommending that the entire parcel be designated as <i>High Intensity</i>. For that reason, the analysis focus on consistency with the goals/strategies under <i>High Intensity Neighborhood</i>.</p> <p><b>Goal LU-7. High-Intensity Neighborhood.</b> <i>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.</i></p> <p>[CONSISTENT]</p> |
|  | <p><b>Strategy LU-7.3. Secondary recommended land uses:</b></p> <ul style="list-style-type: none"> <li>• <i>Public and institutional uses</i> [CONSISTENT]</li> </ul>  |
|  | <p><b>Strategy LU-7.4. Development guidelines:</b></p> <ul style="list-style-type: none"> <li>• <i>Eight or more units per gross acre</i> [N/A]</li> <li>• <i>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</i> [CONSISTENT]</li> <li>• <i>At least 60% open space in new residential developments greater than three acres</i> [N/A]</li> <li>• <i>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)</i> [INCONSISTENT]</li> <li>• <i>Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2</i> [N/A]</li> </ul>             |
| Land Use & Development                                     | <p>The property is designated as a “Priority Infill Area” on the <i>Growth Management Map (Map 8.3a)</i>. “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties”. [CONSISTENT]</p>  |
|  | <p><b>Strategy LU-1.1.</b> <i>Encourage infill development and redevelopment in areas planned for high-intensity development</i> [CONSISTENT]</p>  |
|  | <p><b>Strategy LU-3.5.</b> <i>Minimize negative impacts from growth and land use changes on existing land uses.</i> [CONSISTENT]</p>   |
| Population & Housing                                       | <p><b>Strategy PH-1.1.</b> <i>Promote compatible infill development...Compatibility is achieved through selection of appropriate land uses and/or design strategies that smooth the transition between potentially conflicting land uses. Design strategies should address architectural compatibility and scale as well as <u>landscape buffering</u>.</i></p>  |
|  | <p><b>Strategy PH-3.2.</b> <i>Encourage mixed land use patterns that place residents within walking distance of services.</i></p>  |
| Natural & Environmental Resources                          | No Goals, Strategies or Actions are directly applicable to this project.   |
| Cultural & Historic Resources                              | No Goals, Strategies or Actions are directly applicable to this project.   |

|                                 |   |
|---------------------------------|---|
| Community<br>Facilities         | Strategy CF-1.1. Encourage co-location of new 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 centers with excellent multi-modal access.                       |
| Water<br>Resources              | No Goals, Strategies or Actions are directly applicable to this project.  |
| Transportation<br>& Circulation | Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.                           |

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

| GENERAL REZONING STANDARDS    |   |
|-------------------------------|---|
| Compatibility                 | <b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>  |
|                               | A mix of commercial, institutional and residential uses are found in the vicinity of the subject property. Compatibility between adjacent land uses is insured through the provision of landscaped buffers.   |
| Changed Conditions            | <b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>  |
|                               | The following was provided by the service provider: “Since the COVID-19 pandemic, it has become clear that most residents who require assistance from social service agencies don’t have just one need. Their needs are often complex, far-reaching, and revealed over time. With the wide geographic distribution of critical services across our community and the lack of reliable and convenient mass transportation, the Connection Center will be an answer to reducing barriers to accessing necessary services.”  |
| Public Interest               | <b>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 -</b>  |
|                               | The following was provided by the service provider: “The Connections Center will be a beautiful, welcoming space where clients can go to address many needs in one location, including access to staff from multiple social service organizations; a central location for classes, groups, and services; access to necessary personal care for clients such as showers, laundry, storage, healthy snacks, and mail drop; drop-in computer and Wi-Fi access to enable on-line submissions of applications for housing, jobs, and other services; substance use disorder recovery groups and a Peer Living Room.” |
| Public Facilities             | <b>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</b>  |
|                               | The site is served by City water and sewer service.<br>Florence St is designated as a Local street on the Comprehensive Transportation Plan and is maintained by the City.<br>The subject property is serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.  |
| Effect on Natural Environment | <b>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 -</b>   |
|                               | The subject property currently features a small number of existing trees as well as natural areas that serve as buffers. These perimeter buffers will be enhanced by the proposed landscape buffers which are required for day centers adjacent to residential uses. A total of 35 new plantings of large to medium size canopy trees are proposed for the site.  |



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 Future Land Use designation recommends public and institutional uses as a secondary recommended land use. Compatibility is achieved through the implementation of landscape buffers per Strategy PH 1.1.*

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 proposed use will provide a need to the underserved in the community.*
- The proposed use will be made compatible through the implementation of landscaped buffers.*

*DRAFT [Rational for Denial]*

- The proposed day center use is incompatible with adjacent residential uses*

## STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

### PROPOSED REQUEST DETAILS

- Site Plan Summary:
  - The site plan accompanying this petition contains the following provisions:
    - 1 principal building housing existing church and proposed day center
    - Existing and proposed paved and gravel driveways, sidewalks and parking spaces (49 existing + 41 proposed) (34.7%)
    - Open Space totaling .37 Acres (14.6%)
    - Landscaped Buffers:
      - Required:
        - 15' Buffer
        - Type B Buffer
          - Type B Buffer = per 100 LF (4 Canopy Trees + 25 Evergreen Shrubs + 33 Flowering Shrubs)
        - 6' Tall Fence or Wall
      - Provided:
        - See Conditions below
- Proposed Uses:
  - Day Center
  - Religious Institution
- Developer Proposed Conditions (included on Site Plan):
  - The developer requests alternative compliance with the buffer standards as outlined below and illustrated on site plan:
    - North buffer:
      - No trees planted within 50' Sewer Easement
        - Proposed - 42 shrubs per 100 linear ft. in easement. Removable 6' fencing proposed for access in easement.
        - Required - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs + Removable 6' fencing.
      - Rear of building – Proposed preservation of 152 ft of existing foliage in lieu of new plantings. Masonry, wood or barrier of equal opacity option within this 152 ft section.
      - Remainder of north buffer:
        - Proposed - 3 medium trees + 10 evergreen shrubs + 18 flowering shrubs per 100 linear ft. 6' Masonry, wood or barrier of equal opacity option to be placed in this area.
        - Required – 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear ft + 6' masonry or wood fence
    - East buffer:
      - North end of buffer has an existing concrete walkway proposed to be kept. Each side of the path is lined with flora for maximum screening. Outer edge –
        - Proposed - 3 medium trees + 10 evergreen shrubs + 14 flowering

- shrubs per 100 linear ft. Masonry, wood or barrier of equal opacity option to be placed in this area.
  - A 7' wide buffer is requested around proposed patio with an 8' high fence instead of the required 6' fence to exceed standards of privacy screening.
  - Required - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear ft + 6' masonry or wood fence
- South end of buffer - first 150 ft from the south -
  - Proposed - 4 large canopy trees + 4 medium trees + 4 evergreen shrubs per 100 linear ft. 6' Masonry, wood or barrier of equal opacity option to be placed in this area.
  - Required - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear ft + 6' masonry or wood fence
- South buffer:
  - Proposed
    - West end - medium trees provided on west end at area where drive access tightens available planting area.
    - East end - No foliage provided on east side of south buffer where existing 4' wooden fence and 6' vinyl fence is to be preserved.
  - Required
    - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear ft + 6' masonry or wood fence
- West (north interior):
  - Sewer easement, no trees planted
    - Proposed –
      - 42 shrubs per 100 linear ft. in easement.
      - 7 evergreen shrubs and 35 flowering shrubs per 100 linear feet at area of partial easement.
      - Fence on neighboring property to serve as vertical barrier
    - Required - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear feet + 6' tall fence or wall on subject property.
- West (east interior):
  - Proposed –
    - 4 medium canopy trees + 25 evergreen shrubs + 33 flowering shrubs.
    - Fence on neighboring property to serve as vertical barrier
  - Required –
    - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear feet + 6' tall fence or wall on subject property.
- West (south interior); existing parking lot drive lanes located within 15' required buffer.
  - Proposed –
    - No plantings in existing parking lot drive area

- Remainder of buffer to be planted with 2 large canopy trees + 2 medium trees + 8 evergreen shrubs + 8 flowering shrubs per 100 linear feet
- Fence on neighboring property to serve as vertical barrier
- Required –
  - 4 large canopy trees + 25 evergreen shrubs + 33 flowering shrubs per 100 linear feet + 6’ tall fence or wall on subject 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) with the following exceptions:

- A number technical corrections were provided to the applicant and were resolved or shall be resolved at Final Site Plan.
- The presence of a sewer easement on the property will prevent the planting of trees and the use of masonry wall for buffering. Staff recommends shrubs and removable sections of wood fence where the sewer easement intersects with required buffer areas.

**Proposed City-Initiated Conditions:**

- None

**CITY ENGINEER**

**Site Plan Comments:**

- Disturbed Area should be provided on site plan to determine if Stormwater and Soil & Erosion Control permits are required.
- Must show existing utilities on site plan, show existing easements as well, if available.

**Proposed City-Initiated Conditions:**

- None

**WATER / SEWER**

**Site Plan Comments:**

- No Utility Plan Provided

**Proposed City-Initiated Conditions:**

- None

**FIRE MARSHAL**

**Site Plan Comments:**

- Entry/exit required to be minimum of 20 feet wide. Applies to current and future entrances

**Proposed City-Initiated Conditions:**

- None

## STORMWATER ADMINISTRATOR

### Site Plan Comments:

- Provide Stormwater management plan with disturbed area and built upon area calculations

### Proposed City-Initiated Conditions:

- None

## FLOODPLAIN ADMINISTRATOR

### Site Plan Comments:

- None

### Proposed City-Initiated Conditions:

- None

## PUBLIC WORKS

### Site Plan Comments:

- None

### Proposed City-Initiated Conditions:

- None

## NCDOT

### Site Plan Comments:

- None

### Proposed City-Initiated Conditions:

- None

## TRANSPORTATION CONSULTANT

### Site Plan Comments:

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

### Proposed Condition:

- None

## TREE BOARD

### Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary



NEIGHBORHOOD COMPATIBILITY MEETING REPORT  
HENDERSONVILLE CONNECTIONS (P22-66-CZD)  
MEETING DATE: July 6, 2022

PETITION REQUEST: Rezoning: C-2 Secondary Business - Conditional Zoning District (C-2 CZD)

APPLICANT/PETITIONER: Moe Marks (Tamara Peacock Architects) [Applicant]  
 Charles Morris (Grace Blue Ridge PCA, Inc.) [Owner]

#### NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

*A Neighborhood Compatibility Meeting was held for this project on July 6, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 30 minutes.*

There were six members of the public in attendance in-person while 1 other attended virtually. Two members of city staff were present. For the development team, representing Tamara Peacock Architects was Dennis Bro (in-person) and Moe Marks (online). Rachel Ingram, Executive Director of Hendersonville Connections Center was also present in-person.

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

There were no pre-submitted.

The development team was allowed to present their project proposal. Moe Marks presented the site plan including some various options for meeting the buffer requirements. Rachel Ingram provided details on the operations and intent of the day center.

Concerns and questions from the public related to impact on neighboring properties, access points to the day center, hours of operations, and questions about the potential for other high intensity development in the area.

*Full minutes from the Neighborhood Compatibility are available for review by request.*



TREE BOARD RECOMMENDATION  
HENDERSONVILLE CONNECTIONS (P22-66-CZD)  
MEETING DATE: August 16, 2022

PETITION REQUEST: Rezoning: C-2 Secondary Business - Conditional Zoning District (C-2 CZD)

APPLICANT/PETITIONER: Moe Marks (Tamara Peacock Architects) [Applicant]  
 Charles Morris (Grace Blue Ridge PCA, Inc.) [Owner]

#### TREE BOARD ACTION SUMMARY:

*The Tree Board considered this item at a regular meeting on August 16, 2022. The applicant was not present at the meeting. The following Tree Board members were present: Glenn Lange, Andy Crawford, Mary Davis, Landon Justice, Pat Christie, and Mack Brackett. Absent was Mark Madsen. Planning Staff presented the proposed site plan and fielded questions from the Board.*

#### SUMMARY

The project is required to have a Type B buffer (15 feet wide buffer) with a 6' tall fence or wall along the property lines. The developer is requesting some relief from the buffer width requirement due to a proposed patio and existing parking resulting in a need that the buffer be narrower in those locations. The developer is also requesting that the buffer be allowed to be adjacent to the building in certain locations. The site plan did not show large canopy trees within the type B buffer, as required. Staff indicated that no existing trees will be impacted by this project.

#### RECOMMENDATIONS

A motion was made by Glenn Lange to ask planning staff to relay the Tree Boards comments back to the developer and to bring back a revised site plan to the next Tree Board Meeting in September.

Feedback from the Tree Board included:

- *Improve detail on site plan in regards to what is being proposed and how it does or does not meet the standards.*
- *The Board is concerned about the spacing between the property line and the building edge on the east side. Guidance from the Tree Board is that the developer plant small to medium size trees or alternate ornamental and medium size trees along that section and utilize large canopy trees where practicable. The Board also suggest that where large canopy trees are required but replaced with medium and small trees, then large canopy trees should be planted elsewhere on the site such as in the common open space areas.*

#### BOARD ACTION

- Motion: Lange                      Yeas: All

Ordinance # \_\_\_\_ - \_\_\_\_

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868 BY CHANGING THE ZONING DESIGNATION FROM C-2-CZD (SECONDARY BUSINESS – CONDITIONAL ZONING DISTRICT) TO C-2-CZD (SECONDARY BUSINESS – CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868  
Addresses: 109 Florence Street  
Hendersonville Connections: (File # P22-66-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Moe Marks / Tamara Peacock Architects, and property owner, Charles Morris / Grace Blue Ridge PCA, Inc., for the use of a Day Center within an existing structure at 109 Florence St, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on September 12, 2022; voting 0-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on October 6, 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 Numbers: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868, changing the zoning designation from C-2-CZD (Secondary Business – Conditional Zoning District) To C-2-CZD (Secondary Business – Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - a. Development shall comply with the site plan submitted by the applicant dated September 1, 2022, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at the time of the applicant’s execution of this Ordinance].
  - b. Permitted uses shall include:
    - i. Religious Institution
    - ii. Day Center
  - c. Additional conditions that shall be satisfied prior to final site plan approval include:
    - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

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



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

\_\_\_\_\_  
Angela L. Reece, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Becker, City Attorney

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

IN RE:    Parcel Numbers:                    9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868  
              Addresses:                        109 Florence Street  
              Hendersonville Connections: (File # P22-66-CZD)

Applicant/Developer: Moe Marks, Tamara Peacock Architects

Signature:\_\_\_\_\_

Printed Name:\_\_\_\_\_

Title: \_\_\_\_\_

Date:\_\_\_\_\_

Property Owner: Charles Morris / Grace Blue Ridge PCA, Inc

Signature:\_\_\_\_\_






Printed Name:\_\_\_\_\_

Title:\_\_\_\_\_

Date:\_\_\_\_\_



**Hendersonville Connections**  
P22-66-CZD  
PINs: 9578-21-5868, -5614, -4699, -4924  
Acreage: 2.46  
**Proposed Zoning**  
Community Development Department

- Hendersonville Zoning**
-  CZD Conditional Zoning Districts
  -  R-15 Medium Density Residential
  -  PRD Planned Residential Development
  -  C-3 Highway Business
  -  C-2 Secondary Business





**CITY OF HENDERSONVILLE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
100 N. King Street, Hendersonville, NC 28792  
Phone (828) 697-3010|Fax (828) 698-6185  
www.hendersonvillenc.gov

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

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

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

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

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

**[Application Continued on Next Page]**



**A. Applicant Contact Information**

Moe Marks

\* Printed Applicant Name

Peacock Company Architects

Printed Company Name (if applicable)

☒ Corporation      ☐ Limited Liability Company      ☐ Trust      ☐ Partnership

☐ Other: \_\_\_\_\_

**Moe Marks**

Digitally signed by Moe Marks  
Date: 2022.06.22 11:57:41 -04'00'

Applicant Signature

Architectural Designer

Applicant Title (if applicable)

Address of Applicant

104 First Avenue East, Suite A

City, State, and Zip Code

Hendersonville, NC 28792

Telephone

828.696.4000

Email

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

**[Application Continued on Next Page]**

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

CHARLES C. MORRIS

\*Printed Owner Name

GRACE BLVERIDGE P.C.A. INC.

Printed Company Name (if applicable)

☐ Corporation
     
 ☐ Limited Liability Company
     
 ☐ Trust
     
 ☐ Partnership

☒ Other: 501(c)3

Charles C. Morris

Property Owner Signature

SENIOR PASTOR

Property Owner Title (if applicable)

HENDERSONVILLE, NC. 28792

City, State, and Zip Code

828-393-5147

Telephone

CHAS@GRACEBLVERIDGE.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.

C. Property Information

Name of Project: Henderson Connections

PIN(s): 9578215868

Address(es) / Location of Property: 109 Florence Street  
Hendersonville NC 28792

Type of Development: ☐ Residential ☒ Commercial ☐ Other

Current Zoning: CZD

Total Acreage: 1.72

Proposed Zoning: CZD

Proposed Building Square Footage: 9,975 sqft converted existing covered pavilion

Number of Dwelling Units: 0

List of Requested Uses:

Religious Institution (existing)  
Day Center; office spaces, conference rooms, staff break room, seasonal storage space, intake rooms, restrooms, exterior pet area, server closet, kitchen/pantry/ laundry room, multi-purpose space(kids play area/ computer area), chapel/meditative space, communal living area.

D. Proposed Development Conditions for the Site

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

Renovation and Addition for a new non-profit hub for Hendersonville. The project will be built out from an existing metal building bay at the rear of Grace Blue Ridge. The addition will be off the rear western façade. The project will house the programming ad defined by Riseroot Architecture in the programming meeting dated 9/9/21. Generally, the program is defined as a day center with administrative functions and support functions such as storage and utilities. Tamara Peacock Architects will provide schematic design services through construction administration, including the Conditional Use permitting process through the City of Hendersonville.



# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

### PLANNING DIVISION

**SUBMITTER:** Matthew Manley      **MEETING DATE:** September 12, 2022

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

**TITLE OF ITEM:** Zoning Text Amendment: Multi-Family in the 7<sup>th</sup> Ave MSD (P22-75-ZTA) – Matthew Manley, AICP – Planning Manager

#### **SUGGESTED MOTION(S):**

|  |  |
|--|--|
| <p><b><u>For Recommending Approval:</u></b></p> <p>I move Planning Board recommend City Council <b><u>adopt</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI. – Supplementary Standards for Certain Uses, Section 16-4-24 Residential dwelling, multi-family, with the modifications to the petition as presented by staff based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The Future Land Use Designations of ‘Downtown Core’ and ‘Downtown Support’ call for recommended land uses and design guidelines that align with the proposed zoning text amendment.</p> <p><b>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:</b></p> <ol style="list-style-type: none"><li>1. The addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses.</li><li>2. The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services.</li><li>3. The addition of multi-family residential as a permitted use will provide for a variety of housing types at different price points.</li><li>4. The reduction of setbacks will allow for more efficient use of land and provide more opportunities for infill development.</li></ol> | <p><b><u>For Recommending Denial:</u></b></p> <p>I move Planning Board recommend City Council <b><u>deny</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI. – Supplementary Standards for Certain Uses, Section 16-4-24 Residential dwelling, multi-family, based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The Future Land Use Designations of ‘Downtown Core’ and ‘Downtown Support’ call for recommended land uses and design guidelines that align with the proposed zoning text amendment.</p> <p><b>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"><li>1. The allowance of additional density would be incompatible with commercial uses in the 7th Ave MSD.</li><li>2. The reduction of front setbacks would permit a more distinctly urban form.</li></ol> <p><b>[DISCUSS &amp; VOTE]</b></p> |
|--|--|



|  |  |
|--|--|
| 5. The provisions maintaining non-residential uses along frontages on 7th Ave will support a vibrant mixed-use district as redevelopment occurs along the corridor.<br><br><b>[DISCUSS &amp; VOTE]</b> |  |
|--|--|

***SUMMARY:** The City of Hendersonville is in receipt of a petition for a zoning text amendment from Dan Mock to address the Supplementary Standards for Multi-Family Residential uses in the 7th Ave area. Currently, the portions of the 7th Ave area that are zoned C-2 only permit Multi-Family within the boundaries of the 7th Ave Depot National Register Historic District (NRHD).*

*As proposed, Sec. 16-4-24, which only applies to Multi-Family uses in the C-2 Zoning District, would be amended to expand Multi-Family uses to a larger area encompassed by the 7th Ave Municipal Service District (MSD).*

*As proposed, Sec. 16-4-24 would also be amended to strike the provision that Multi-Family uses would be limited to the second floor of buildings.*

*Staff is proposing that Multi-Family be extended to the MSD. However, staff is proposing that the provision limiting multi-family to second floors be amended to state “upper” floors and that the provision remain in place for the NRHD but this limitation would only partially be in place for Multi-Family uses in remainder of the MSD.*

|                                   |   |
|-----------------------------------|---|
| <b>PROJECT/PETITIONER NUMBER:</b> | P22-75-ZTA  |
| <b>PETITIONER NAME:</b>           | Dan Mock  |
| <b>ATTACHMENTS:</b>               | <div>1. Staff Report</div> <div>2. Supplementary Text Amendment Map</div> <div>3. Draft Ordinance</div> <div>4. Application</div> |

ZONING TEXT AMENDMENT: MULTI-FAMILY IN 7<sup>th</sup> AVENUE (P22-75-ZTA)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
  - Multi-Family in 7<sup>th</sup> Ave MSD
  - P22-75-ZTA
- Applicant:
  - Dan Mock
- Articles Amended:
  - Section 16-4-24 Residential dwellings, multi-family
- Applicable Zoning District(s):
  - C-2, Secondary Business (only within 7<sup>th</sup> Ave Districts)
- Future Land Use Designation:
  - Downtown Core
  - Downtown Support
- Planning Board - Legislative Committee Meeting:
  - August 30, 2022
- Downtown Advisory Board - Downtown Economic Vitality Committee Meeting:
  - September 6, 2022
- Summary Basics:
  - Expand Multi-Family uses to 7<sup>th</sup> Ave MSD while preserving ground-floor storefront for non-residential uses



*Summary of Amendment Petition:*

*The City of Hendersonville is in receipt of a petition for a zoning text amendment from Dan Mock to address the Supplementary Standards for Multi-Family Residential uses in the 7<sup>th</sup> Ave area. Currently, the portions of the 7<sup>th</sup> Ave area that are zoned C-2 only permit Multi-Family within the boundaries of the 7<sup>th</sup> Ave Depot National Register Historic District (NRHD).*

*As proposed, Sec. 16-4-24, which only applies to Multi-Family uses in the C-2 Zoning District, would be amended to expand Multi-Family uses to a larger area encompassed by the 7<sup>th</sup> Ave Municipal Service District (MSD).*

*As proposed, Sec. 16-4-24 would also be amended to strike the provision that Multi-Family uses would be limited to the second floor of buildings.*

*Staff is proposing that Multi-Family be extended to the MSD. However, staff is proposing that the provision limiting multi-family to second floors be amended to state “upper” floors and that the provision remain in place for the NRHD but this limitation would only partially be in place for Multi-Family uses in remainder of the MSD.*

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

Multi-Family in 7<sup>th</sup> Ave Depot National Register Historic District (NRHD): Multi-Family residential is a permitted use within the C-2 zoning district only for those properties located within a small area within the boundaries of the 7<sup>th</sup> Ave Depot National Register Historic District (NRHD). In total there are 15 parcels zoned C-2 within the NRHD. Outside of the NRHD, properties zoned C-2 only allow single/two-family residential and Minor PRD developments. In other words, multi-family uses are not permitted in the C-2 outside of the NRHD.

There are a total of 27 parcels within the NRHD along with portions of rights-of-way that include the railroad and historic depot. The 7<sup>th</sup> Ave NRHD is split zoned between CMU (12 parcels) and C-2 (15 parcels). Within the NRHD, both districts permit Multi-Family with no density cap. The primary distinctions between the districts being the minimum front setbacks (C-2: 20' / CMU: 12') and maximum height (C-2: 48' / CMU: 64').

7<sup>th</sup> Ave Municipal Service District (MSD): The “7<sup>th</sup> Ave area” could be perceived as a reference to the entire corridor from the intersection at US 64 (to the west) to the Oklawaha Greenway / Mud Creek floodplain (to the east) along with some of the adjacent side streets. The area described above is much larger than the NRHD and more closely reflects the 7<sup>th</sup> Ave Municipal Service District (MSD).

The 7<sup>th</sup> Ave MSD is one of two MSD’s in the City (the other being the Downtown MSD). These are special tax districts that collect additional property tax revenue that is reinvested towards physical improvements and economic development strategies which support businesses and facilitate redevelopment in these areas. Some of the funds generated by the 7<sup>th</sup>

Downtown Municipal Service District =  
\$0.24 tax per \$100 valuation  
7<sup>th</sup> Ave Municipal Service District =  
\$0.17 tax per \$100 valuation

Ave MSD are utilized in conjunction with the Friends of Downtown funds to provide support for the Farmers Market, plantings and landscaping maintenance. The 7<sup>th</sup> Avenue District is also slated to receive district “branding” and additional signage as well as extensive Streetscaping improvements. The streetscaping project will be constructed in phases with phase I located in the NRHD and phases II & III extending down the rest of the corridor to the Oklawaha Greenway.

Both the 7<sup>th</sup> Ave NRHD and the 7<sup>th</sup> Ave MSD are referenced in the Zoning Ordinance. The references to the MSD relates to a provision waiving parking minimums (there are no parking minimums for uses within the 7<sup>th</sup> Ave MSD boundaries). As previously mentioned, The 7<sup>th</sup> Ave NRHD boundaries are used to dictate where Multi-Family uses are permitted within the portions of the NRHD that are zoned C-2. The proposed text amendment would align an area where parking minimums are currently waived with an area where Multi-Family would be permitted.

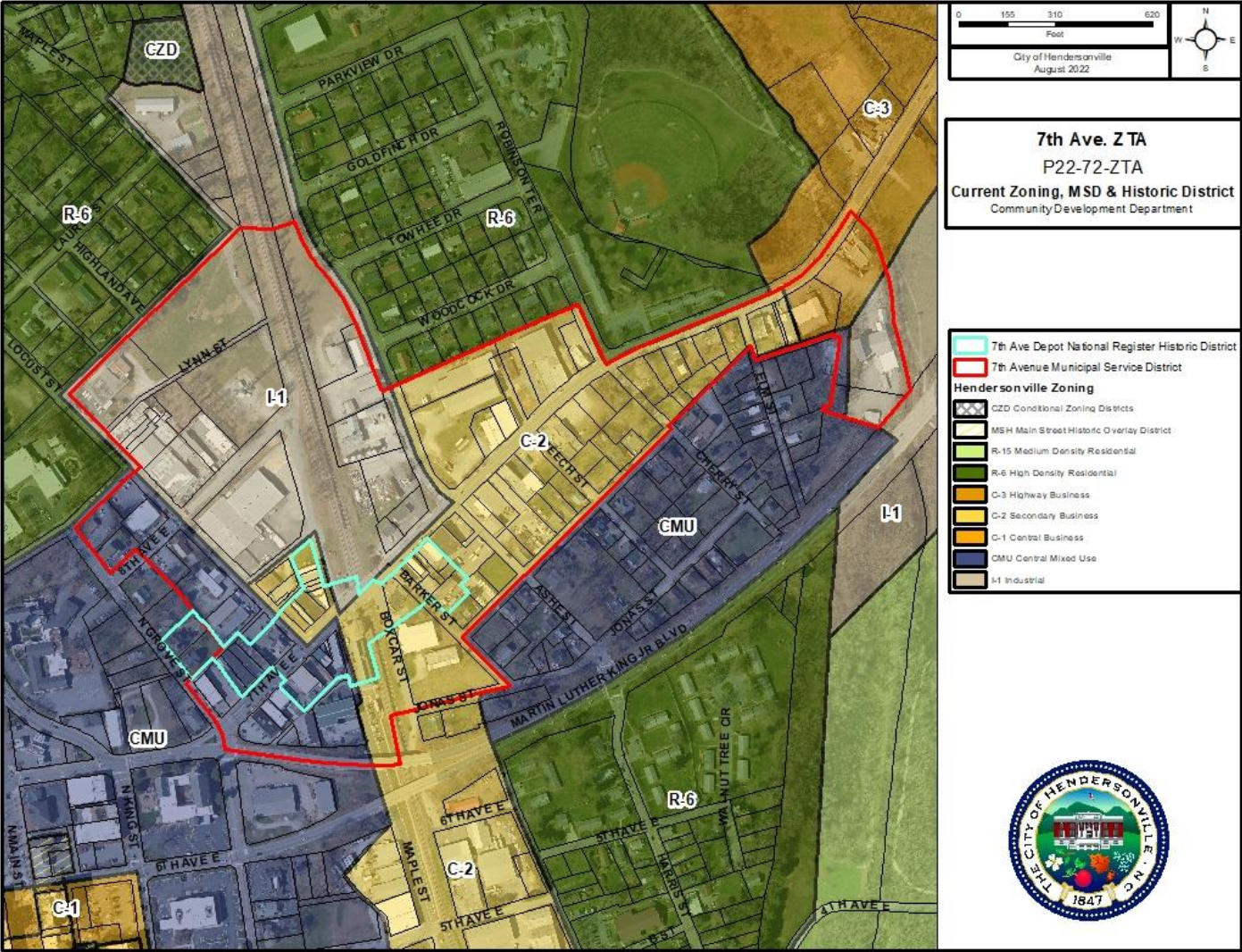
While the 7<sup>th</sup> Ave area has seen a great deal of redevelopment in recent years, most of that redevelopment activity has occurred within the NRHD. As public improvements are implemented and economic interest in this corridor continues to grow, redevelopment is expected expand further east.

Allowing for Multi-Family uses and reducing setbacks along the entire 7<sup>th</sup> Ave corridor while retaining commercial space on lower floors would promote additional opportunities



for a mix of uses within walking distance to shopping and recreation, facilitate additional redevelopment in an area that provides a wide range of uses and serves as an extension of downtown (or a subdistrict of downtown), and permit the type of urban form that has defined this area since it was initially developed while also promoting a pedestrian-friendly atmosphere that aligns with the goals of the Comprehensive Plan. Additional urban design standards could be considered to ensure compatibility with the 7<sup>th</sup> Ave National Register Historic District.

Map: The following map illustrates the boundaries of the 7<sup>th</sup> Ave Depot National Register Historic District and the boundaries of the 7<sup>th</sup> Ave Municipal Service District along with the zoning districts found within these areas.





SITE IMAGES



*View of 7<sup>th</sup> Ave NRHD*



*Existing Buildings in the 7<sup>th</sup> Ave MSD*



SITE IMAGES



*Existing Buildings in the 7<sup>th</sup> Ave MSD*



*Vacant Lot in the MSD*



SITE IMAGES



*Conventional multi-family with 35'-40' setback in the MSD*



*Existing “missing middle” apartment building in MSD with 0’  
Setback – under contract by applicant*





*Existing Service Use in the MSD*



*Far eastern edge of 7<sup>th</sup> Ave MSD – two properties in background are under contract by the applicant*

## LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their meeting on Tuesday, August 30, 2022. The members of the committee that were present were Neil Brown, Jim Robertson, Stuart Glassman and Peter Hanley. The applicant, Dan Mock was also present. Mr. Mock presented his case for the proposed changes. In general, the Committee members were supportive of the proposed text changes with consideration given to preservation of commercial storefronts at the ground level along 7<sup>th</sup> Ave. Discussion revolved around changes in character between the 7<sup>th</sup> Ave NRHD and the 7<sup>th</sup> Ave MSD as well as changes in character block by block as you move east to west along 7<sup>th</sup> Ave within the MSD. Highlighted was the importance of maintaining a vibrant, pedestrian-friendly experience along 7<sup>th</sup> Ave as redevelopment occurs.

### STAFF ANALYSIS

The zoning text amendment proposal as submitted would read as follows:

#### **16-4-24 Residential dwellings, multi-family.**

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ Municipal Service District
- ~~b) — Multi-family dwellings may only be permitted on the second floor.~~
- ~~e~~b) There shall be no maximum density other than the minimum dwelling size is 400 square feet.
- ~~d~~c) Multi-family dwellings must be occupied by three or more families living independently of each other.

Staff and Committee members are supportive of the expansion of multi-family uses within the MSD with the revisions proposed for item a).

As it relates to the proposed striking of item b) and the expansion of multi-family uses within the MSD, the potential impact of ground-level, street-front residential uses was of particular concern. Maintaining ground-floor storefronts and a continuous street wall are strategies with the Downtown Core designation of the Future Land Use Map in the City's Comprehensive Plan. Best Planning Practices would also encourage commercial mixed-use districts to maintain non-residential uses on primary corridors. The vision for 7<sup>th</sup> Ave is that of a lively district with a mix of commercial and residential uses. The provision of dense residential uses is essential to the economic welfare of the district. However, these residential uses should not come at the expense of the pedestrian-level experience along 7<sup>th</sup> Avenue. Staff is proposing a balanced approach to this issue with the proposed revisions under items b) & c) below. The addition of item e) also helps to achieve these goals.

Item d) is also proposed by staff to be stricken from these standards. The Zoning Code definition for multi-family already exist and mirrors this standard. Elimination of a requirement for multi-family dwellings to be occupied by 3+ families will reduce redundancy in the Code.

After additional review and consideration Staff are recommending the following revisions to the zoning code.

**16-4-24 Residential dwellings, multi-family.**

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ Municipal Service District
- b) Multi-family dwellings may only be permitted on the ~~second~~ upper floors within the Seventh Avenue Depot National Register Historic District.
- c) Any building fronting Seventh Avenue within the Seventh Avenue Municipal Service District, but outside of the Seventh Avenue Depot National Register Historic District, shall primarily reserve ground floor space along the Seventh Avenue street frontage for non-residential uses. Alternatively, ground-floor residential dwellings may be permitted in the following special circumstances:
  - i. Access: Access points to ground or upper floor residential spaces may be located at any point on the front, side, or rear of a building, which may include an access point adjacent to any ground floor non-residential space along the primary street front.
  - ii. Frontage: Ground floor residential dwellings may front upon an alley and/or private or non-street public spaces under the following circumstances:
    - a. Notwithstanding any building code provisions, frontage upon private property shall provide a permanent access easement to the closest public right-of-way.
- ~~d)~~ e) There shall be no maximum density other than the minimum dwelling size is 400 square feet.
- ~~d) Multi-family dwellings must be occupied by three or more families living independently of each other.~~
- e) The minimum front setback may be reduced to 0' within the 7<sup>th</sup> Ave MSD. Any off-street parking provided shall be located to the side or rear of a building.

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

## GENERAL REZONIGN STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

|                        |   |
|------------------------|---|
| Land Use & Development | <b>Goal LU-10. Downtown Core:</b> Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.  |
|                        | Strategy LU-10.1. Locations: 7 <sup>th</sup> Ave [CONSISTENT]   |
|                        | Strategy LU-10.3. Secondary recommended land uses: <ul style="list-style-type: none"> <li>• Multi-family residential [CONSISTENT]</li> <li>• Live-work units [CONSISTENT]</li> </ul>  |
|                        | Strategy LU-10.4. Development guidelines: <ul style="list-style-type: none"> <li>• Continuous “street wall” with buildings adjacent to the sidewalk [CONSISTENT]</li> <li>• Rear parking or limited side parking only [CONSISTENT]</li> <li>• Window coverage and façade articulation on storefronts [INCONSISTENT]</li> </ul>  |
|                        | Strategy LU-10.5. Create a 24-hour environment that supports an expanding residential base in the downtown. Encourage services such as convenience shops, drug stores, and specialty food stores that support downtown housing [CONSISTENT].  |
|                        | <b>Goal LU-11. Downtown Support:</b> Support the Downtown retail core and create a transition between Downtown Core and adjacent residential neighborhoods.   |
|                        | Strategy LU-11.1. Locations: <ul style="list-style-type: none"> <li>• Area between Downtown Core and Jackson Park [CONSISTENT]</li> <li>• Transitional areas between Downtown Core and neighborhoods to the north, south, and west [CONSISTENT]</li> </ul>  |
|                        | Strategy LU-11.2. Primary recommended land uses: <ul style="list-style-type: none"> <li>• Offices [CONSISTENT]</li> <li>• Single-family attached and multi-family residential [CONSISTENT]</li> <li>• Live-work units [CONSISTENT]</li> <li>• Public and institutional uses [CONSISTENT]</li> <li>• Arts and entertainment establishments [CONSISTENT]</li> <li>• Structured or underground parking [INCONSISTENT]</li> </ul> |
|                        | Strategy LU-11.4. (Downtown Support) Development guidelines: <ul style="list-style-type: none"> <li>• Minimal front setback [CONSISTENT]</li> <li>• Rear or limited side parking only [CONSISTENT]</li> <li>• Façade articulation [INCONSISTENT]</li> <li>• Ground-floor storefronts and/or architectural detailing on parking structures [LIMITED]</li> </ul>  |
|                        | Growth Management Map: Area designated as “ <b>Priority Infill Area</b> ” - 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]  |
|                        | Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development as indicated by the “Priority Infill Areas” on Map 8.3a. Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects. [CONSISTENT]  |



|                                   |  |
|-----------------------------------|--|
|                                   | <p>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.</p> <p>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. [CONSISTENT]</p> |
|                                   | <p>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. [CONSISTENT]</p>  |
| Population & Housing              | Strategy PH-1.1 – Promote compatible infill development  |
|                                   | 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.   |
|                                   | <p><b>Goal PH-2.</b> 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.</p>   |
|                                   | <p><b>Goal PH-3.</b> Promote safe and walkable neighborhoods.</p> <p>Action PH-3.1.1. Encourage pedestrian-friendly design features in residential developments, such as recessed or rear garages and front porches in single-family development, and rear parking lots and front entrances in multi-family developments.</p>  |
|                                   | Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.  |
| Natural & Environmental Resources | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Cultural & Historic Resources     | <b>Goal CR-1.</b> Preserve the viability and individuality of Hendersonville's historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.  |
|                                   | Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non-historic properties.   |
|                                   | Strategy CR-4.3. Support increased Downtown housing and office density in order to support retail uses and create a 24-hour environment.   |
| Community Facilities              | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Water Resources                   | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Transportation & Circulation      | Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.  |

## GENERAL REZONING STANDARDS

|                               |  |
|-------------------------------|--|
| Compatibility                 | <p><b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b></p> <p><i>Multi-family: The 7<sup>th</sup> Ave MSD contains a wide-range of land uses including: multi-family and single-family residential uses; automobile service, retail, restaurants, services for those in need, art galleries, and vacant land. The area is also home to the historic depot and the location of the City’s farmers market.</i></p> <p><i>Commercial uses on ground floors: This provision is in place currently and is currently found in the district. This provision would remain in place in full for the NRHD where mixed use is most likely to continue to occur and would remain in place in part in the MSD with provision maintaining non-residential uses on first floor frontage along 7<sup>th</sup> Ave</i></p> <p><i>Setbacks: Minimum front setbacks are currently found in some locations in the MSD. A reduction in setbacks allows for greater flexibility and more efficient utilization of land. A more walkable urban form is achieved by - allowing for buildings to be brought closer to the street to form a “street wall” and by reducing minimum setbacks which allows for the shifting of parking to the rear of a lot.</i></p> |
| Changed Conditions            | <p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p><i>New activity such as the opening of new businesses, adaptive reuse and renovation of existing buildings has grown in frequency in the 7<sup>th</sup> Ave Area. This activity is likely to occur along the corridor extending east. There is a well-documented growth in demand and undersupply of housing in our region.</i></p>   |
| Public Interest               | <p><b>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 -</b></p> <p><i>Multi-family: As is well-documented in the City’s Comprehensive Plan, there is a need for compatible infill development in areas of the City where utilization of existing infrastructure can be realized and in areas that place residents in close walking distance to goods and services. The addition of multi-family residential would help to address this need while providing a variety of housing types.</i></p> <p><i>Commercial uses on ground floors: This provision will help to achieve a vision for a lively district with a mix of commercial and residential uses and a positive pedestrian-level experience.</i></p> <p><i>Setbacks: Reducing front setbacks and allowing for the shifting of parking to the rear of lots supports a built environment that is more friendly to pedestrians by creating a greater sense of enclosure as is found in areas such as Main St and the 7th Ave District.</i></p>  |
| Public Facilities             | <p><b>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</b></p> <p><i>The 7<sup>th</sup> Ave MSD is in an urban location that is well served by public facilities.</i></p>   |
| Effect on Natural Environment | <p><b>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</b></p> <p><i>There are no known or anticipated negative environmental impacts associated with the petition.</i></p>  |

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

*The Future Land Use Designations of 'Downtown Core' and 'Downtown Support' call for recommended land uses and design guidelines that align with the proposed zoning text amendment.*

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:

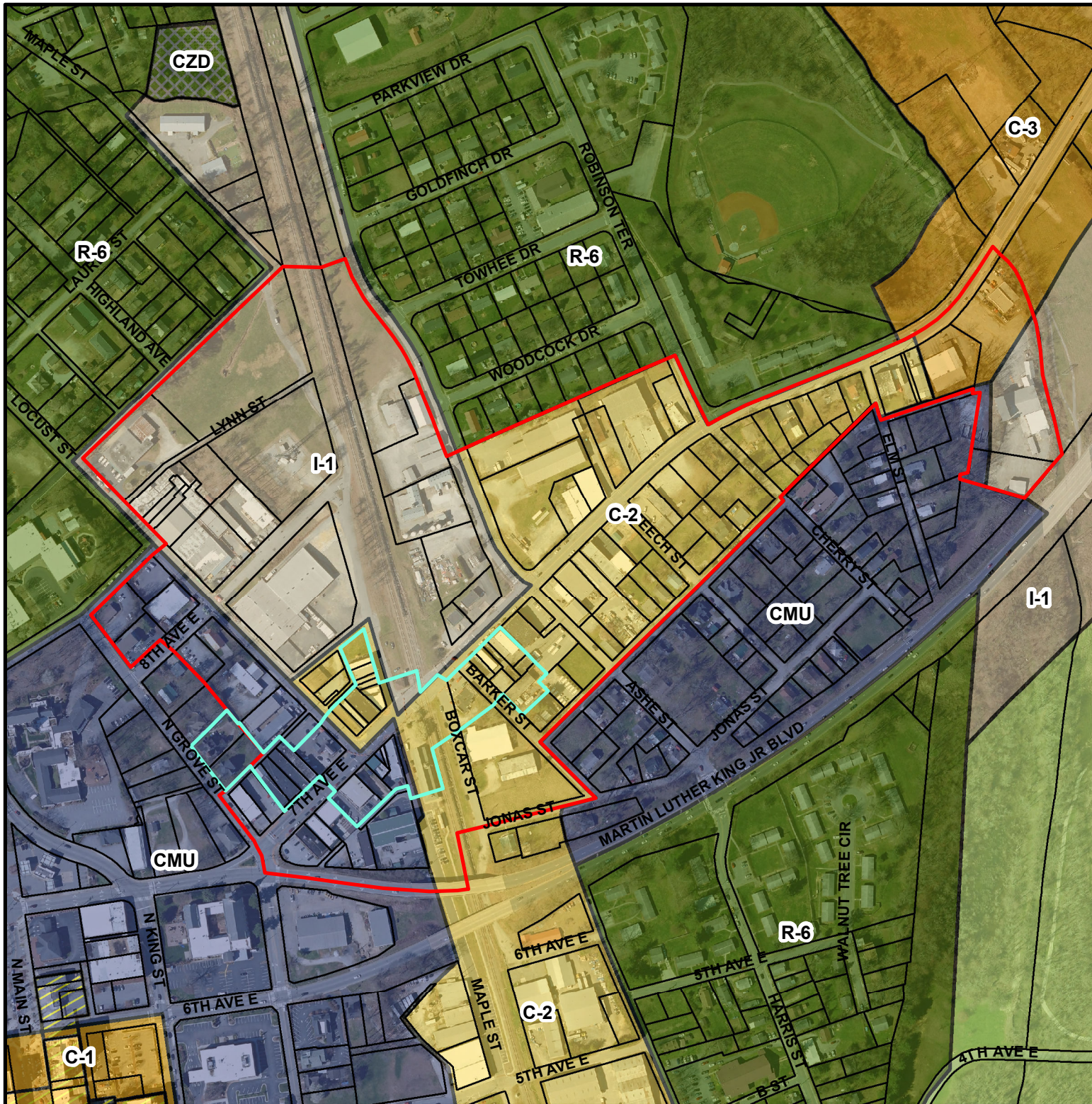
*DRAFT [Rationale for Approval]*

- 1) The addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses.*
- 2) The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services.*
- 3) The addition of multi-family residential as a permitted use will provide for a variety of housing types at different price points.*
- 4) The reduction of setbacks will allow for more efficient use of land and provide more opportunities for infill development.*
- 5) The provisions maintaining non-residential uses along frontages on 7<sup>th</sup> Ave will support a vibrant mixed-use district as redevelopment occurs along the corridor.*

*DRAFT [Rational for Denial]*

- 1) The allowance of additional density would be incompatible with commercial uses in the 7<sup>th</sup> Ave MSD.*
- 2) The reduction of front setbacks would permit a more distinctly urban form.*





## 7th Ave. ZTA

### P22-72-ZTA

**Current Zoning, MSD & Historic District**  
Community Development Department

- 7th Ave Depot National Register Historic District
  - 7th Avenue Municipal Service District
- Hendersonville Zoning**
- CZD Conditional Zoning Districts
  - MSH Main Street Historic Overlay District
  - R-15 Medium Density Residential
  - R-6 High Density Residential
  - C-3 Highway Business
  - C-2 Secondary Business
  - C-1 Central Business
  - CMU Central Mixed Use
  - I-1 Industrial





Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND  
ARTICLE XVI. – ‘SUPPLEMENTARY STANDARDS FOR CERTAIN USES’, SECTION 16-  
4-24 ‘RESIDENTIAL DWELLING, MULTI-FAMILY’ OF THE CITY OF  
HENDERSONVILLE ZONING ORDINANCE TO INCLUDE MULTI-FAMILY  
RESIDENTIAL USES WITHIN THE SEVENTH AVENUE MUNICIPAL SERVICE  
DISTRICT AND TO ADDRESS OTHER RELATED SUPPLEMENTARY STANDARDS**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on September 12, 2022; voting **0-0** to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

**WHEREAS**, City Council took up this application at its regular meeting on October 6, 2022, and

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

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 6, 2022,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend Article XVI. – ‘Supplementary Standards for Certain Uses’, Section 16-4-24 ‘Residential dwelling, multi-family’ to permit multi-family residential uses within the Seventh Avenue Municipal Service District and to address other related Supplementary Standards.

**16-4-24 Residential dwellings, multi-family.**

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ Municipal Service District
- b) Multi-family dwellings may only be permitted on the ~~second~~ upper floors within the Seventh Avenue Depot National Register Historic District.
- c) Any building fronting Seventh Avenue within the Seventh Avenue Municipal Service District, but outside of the Seventh Avenue Depot National Register Historic District, shall primarily reserve ground floor space along the Seventh Avenue street frontage for non-residential uses. Alternatively, ground-floor residential dwellings may be permitted in the following special circumstances:
  - i. Access: Access points to ground or upper floor residential spaces may be located at any point on the front, side, or rear of a building, which may include an access point adjacent to any ground floor non-residential space along the primary street front.
  - ii. Frontage: Ground floor residential dwellings may front upon an alley and/or private or non-street public spaces under the following circumstances:
    - a. Notwithstanding any building code provisions, frontage upon private property shall provide a permanent access easement to the closest public right-of-way.

- ~~e~~ d) There shall be no maximum density other than the minimum dwelling size is 400 square feet.

~~d) Multi-family dwellings must be occupied by three or more families living independently of each other.~~

e) The minimum front setback may be reduced to 0’ within the Seventh Avenue Municipal Service District. Any off-street parking provided shall be located to the side or rear of a building

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of October, 2022.

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

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney



**CITY OF HENDERSONVILLE  
DEVELOPMENT ASSISTANCE 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 **8/1/22**

Section of Ordinance proposed to be changed **16-4-24**

Proposed change

- a) The property must be within the Seventh Avenue Municipal Service District.
- b) There shall be no maximum density other than the minimum dwelling size is 400 square feet.
- c) Multi-family dwellings must be occupied by three or more families living independently of each other.

Reason for change

- a) Keep the use consistent with the 7th Ave Historic District.
- b) Balance out the housing affordability index by mixing in market rate housing with the existing affordable housing.
- c) Promote continued development along the 7th Ave corridor.
- d) Increase the safety of its residents and neighborhood.
- e) Restore neighborhood blight to creatively designed architectural buildings consistent with the neighborhood and surrounding areas.
- f) Create a more walkable, usable and friendly environment.

Applicant Name **Dan Mock**

Address **638 Spartanburg Hwy, Ste 70-338, Hendersonville, NC 28792**

Phone **310-750-7117**

Fax

E-mail **dan@rockwooddevelopment.com**

Signature

Official Use:

DATE RECEIVED: \_\_\_\_\_ BY \_\_\_\_\_ FEE RECEIVED \$ \_\_\_\_\_

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

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

The proposal to include multifamily in the 7th Ave. Municipal Service District is supported by the future land use map designation for this area.

**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.

The proposed amendment is compatible with existing multifamily uses surrounding the subject property.

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

Significant redevelopment has occurred and continues to occur along the 7th Ave corridor and the City has plans for improved street scaping along the entire corridor.

**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.

The proposed amendment would greatly benefit the surrounding neighborhood as new market rate units would likely balance out the affordable units while promoting new commercial and retail development and increasing the safety of the residents and neighborhood.

**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.

The proposed amendment will have little to no impact to public facilities and services as the majority of the infrastructure would be unchanged due to the fact that it is an existing building.

**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.

The proposed amendment should have little to no impact on the natural environment since it is an existing building.





# CITY OF HENDERSONVILLE

## AGENDA ITEM SUMMARY

### PLANNING DIVISION

**SUBMITTER:** Matthew Manley      **MEETING DATE:** September 12, 2022

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

**TITLE OF ITEM:** Zoning Text Amendment: Parking Standards in C-1 (P22-72-ZTA) – *Matthew Manley, AICP – Planning Manager*

#### **SUGGESTED MOTION(S):**

|   |  |
|---|--|
| <p><b><u>For Recommending Approval:</u></b></p> <p>I move Planning Board recommend City Council <b><u>adopt</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-6-3.1. and Section 5-14-6.7; and Article VI. – General Provisions, Section 6.5. “Off-street Parking Standards” based on the recommended modifications to the petition as presented by staff and based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design.</p> <p><b>2. We <u>[find]</u> this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"><li>1. The staff recommendation aligns the minimum parking requirements for the C-1 and PRD Zoning Districts with other residential and mixed-use parking standards.</li><li>2. The staff recommendation reduces restrictions for residential development in downtown and along thoroughfares. Residential development and utilization of underutilized properties within these areas is</li></ol> | <p><b><u>For Recommending Denial:</u></b></p> <p>I move Planning Board recommend City Council <b><u>deny</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-6-3.1. ‘Parking Loading’ in the C-1 Zoning District, based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design.</p> <p><b>2. We <u>[do not find]</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"><li>1. The text amendment would place a burden on public parking in downtown</li></ol> <p><b>[DISCUSS &amp; VOTE]</b></p> |
|---|--|

|  |  |
|--|--|
| <div>desired.</div> <div><div>3. A significant amount of public and private parking spaces are available with the C-1 Zoning District.</div><div>4. Reduction of minimum parking space requirements reduces the need for individually-owned surface parking lots.</div><div>5. Centrally-located, consolidated parking locations are preferred over individually-owned surface parking lots as a means of protecting and advancing walkability and better utilizing land within the downtown core.</div></div> <div>[DISCUSS &amp; VOTE]</div> |  |
|--|--|

*SUMMARY: The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Moe Marks of Tamara Peacock Architects for an amendment to the required number of parking spaces per unit for residential developments in the downtown area of Hendersonville. The applicant’s proposal would eliminate parking minimums within C-1. Currently there is no parking minimum for commercial uses or residential uses under 5 dwelling units.*

*Currently, residential developments with 5 or more dwelling units requires 1.5 parking spaces per dwelling unit in the C-1 district. The 7th Ave Municipal Service District has no parking minimums due to an exemption established in the zoning ordinance. A full comparison of parking minimums by district is provided below.*

*Hendersonville’s downtown provides a significant amount of public on-street parking, public and private surface lots and structured public parking will be available soon. Parking in downtown is in high demand from a variety of users including downtown dwellers, local residents and visitors.*

*In consideration of the applicant’s request, staff is recommending the reduction of parking minimums to 1 per dwelling unit to align with standards across our zoning ordinance. As part of this amendment, Staff is also proposing to make clarifications to the per unit parking requirements in the general parking standards to ensure consistency.*

|                            |   |
|----------------------------|---|
| PROJECT/PETITIONER NUMBER: | P22-72-ZTA  |
| PETITIONER NAME:           | Moe Marks, Tamara Peacock Architects  |
| ATTACHMENTS:               | <div><div>1. Staff Report</div><div>2. Draft Ordinance</div><div>3. Application</div></div> |

ZONING TEXT AMENDMENT:  
PARKING STANDARDS IN C-1 (P22-72-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

|  |   |
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PROJECT SUMMARY

- Project Name & Case #:
  - Reducing Parking Minimums in C-1
  - P22-72-ZTA
- Applicant:
  - Moe Marks, Tamara Peacock Architects
- Articles Amended:
  - Section 5-6-3.1. Parking and Loading (C-1)
  - Section 5-14-6.7 Off-street parking
  - Section 6.5. Off-street Parking Standards (PRD)
- Applicable Zoning District(s):
  - C-1
  - PRD
- Future Land Use Designation
  - Downtown Core
- Planning Board - Legislative Committee Meeting
  - August 30, 2022
- Downtown Advisory Board - Downtown Economic Vitality Committee Meeting
  - September 6, 2022
- Summary Basics:
  - The petition proposes to eliminate parking minimums in the C-1, Central Business, Zoning District
  - Staff is recommending a reduction of parking minimums to align parking minimums requirements in C-1 & PRD with other residential districts.

*Summary of Amendment Petition:*

*The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Moe Marks of Tamara Peacock Architects for an amendment to the required number of parking spaces per unit for residential developments in the downtown area of Hendersonville. The applicant's proposal would eliminate parking minimums within C-1. Currently there is no parking minimum for commercial uses or residential uses under 5 dwelling units.*

*Currently, residential developments with 5 or more dwelling units requires 1.5 parking spaces per dwelling unit in the C-1 district. The 7<sup>th</sup> Ave Municipal Service District has no parking minimums due to an exemption established in the zoning ordinance. A full comparison of parking minimums by district is provided below.*

*Hendersonville's downtown provides a significant amount of public on-street parking, public and private surface lots and structured public parking will be available soon. Parking in downtown is in high demand from a variety of users including downtown dwellers, local residents and visitors.*

*In consideration of the applicant's request, staff is recommending the reduction of parking minimums to 1 per dwelling unit to align with standards across our zoning ordinance. As part of this amendment, Staff is also proposing to make clarifications to the per unit parking requirements in the general parking standards to ensure consistency.*

# AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

An applicant with interest in the development and redevelopment of residential dwelling units in the City’s downtown core, has petitioned the City to revise parking minimums within the C-1, Central Business Zoning District. Comparing the current requirement for 1.5 parking spaces for each residential dwelling unit to other zoning districts in the city, we find that this requirement exceeds those of the City’s residential and mixed use zoning districts. The CMU, HMU, and GHMU, have a parking minimum of 1 space per unit while Residential districts require a minimum of 1 space per unit up to 3 bedrooms. Meanwhile the Urban Village and Urban Residential districts have parking maximums limiting parking spaces to no more than 1 space per unit and 1.5 parking spaces per unit with 3 or more bedrooms. The only other district which has a parking minimum of 1.5 spaces per unit is the Planned Residential Development (PRD) district. Staff believe that this standard should also be adjusted to align with zoning districts throughout the city. Finally, in the 7<sup>th</sup> Ave MSD, which is a sub-district of Downtown Hendersonville, the zoning code waives all parking minimums.

## Parking Minimums

1.5 Spaces per Unit

C-1, PRD\*

1 Space per Unit

CMU, HMU, GHMU, CHMU\*\*, C-3\*\*, C-4\*\*, I-1\*\*, MIC\*\*, R-40\*\*, R-20\*\*, R-15\*\*, R-10\*\*, R-6\*\*, RCT\*\*

## Parking Maximums

1.5 Spaces per Unit

UV\*\*, UR\*\*

## No Parking Minimums

7<sup>th</sup> Ave MSD (portions of CMU & C-2)

\* Units with 3 or more bedrooms require 2 parking spaces

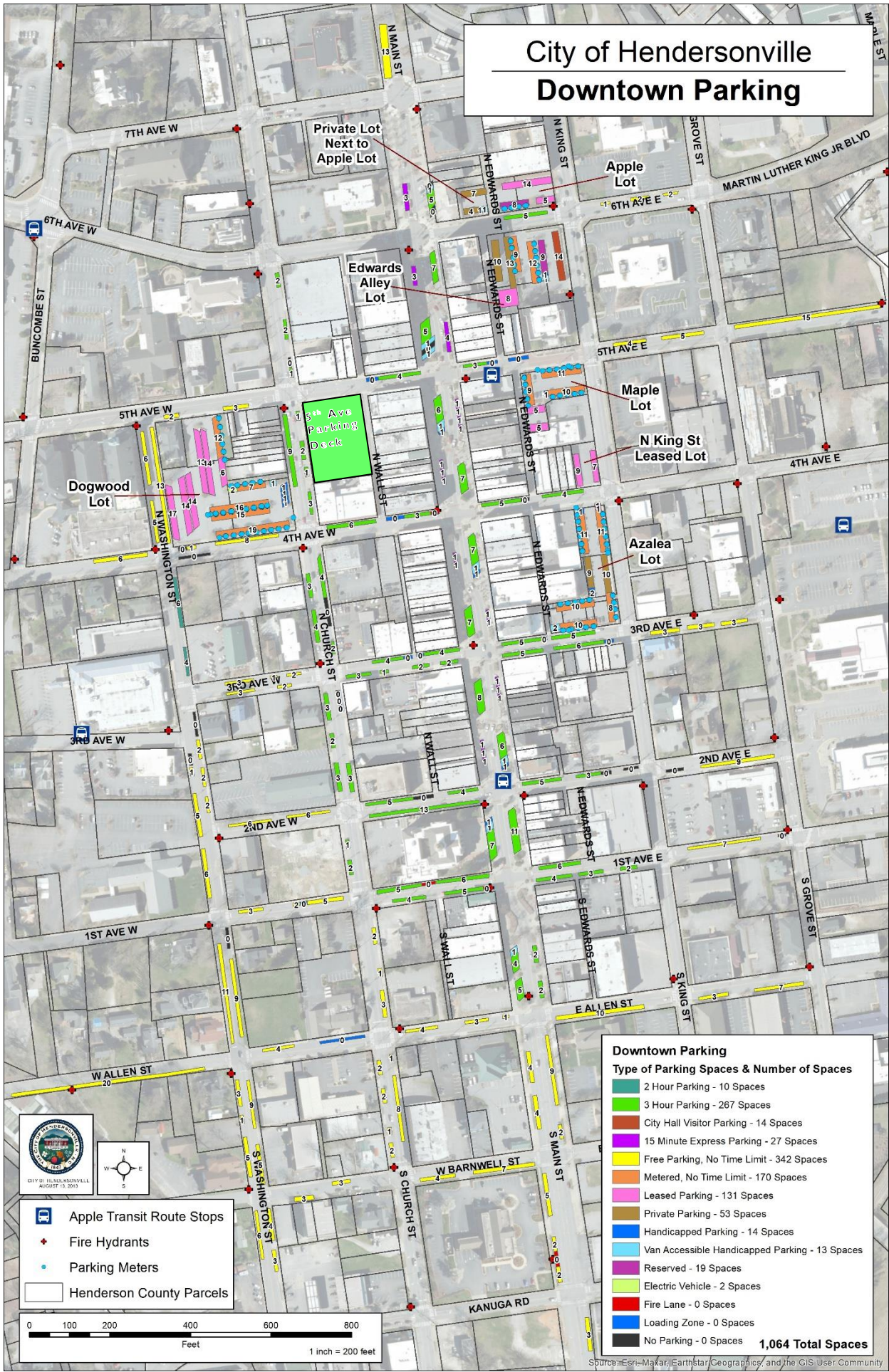
\*\* Units with 3 or more bedrooms require 1.5 parking spaces

There are more public parking spaces in the Downtown area than anywhere else in the city. According to a 2013 Parking Survey, there were a total of 1,064 public and private parking spaces (a map depicting these spaces and their time limits is provided on the following page). A follow-up 2015 Comprehensive Downtown Parking Study used a more focused area and calculated 666 parking spaces in the downtown core. These spaces and time limitations are as follows. The 5<sup>th</sup> Ave Parking Deck will provide approximately 250 spaces. Public parking solutions related to time limits, metering and fees are currently under review by the Downtown Division and subject to change:

**Downtown Parking Inventory**

|         | 3 Hour | Handicap | 15 Minute | No Time<br>Limit | 2 hour | EV |     |
|---------|--------|----------|-----------|------------------|--------|----|-----|
| Main    | 89     | 12       | 27        | 13               | 0      | 0  |     |
| Avenues | 131    | 0        | 0         | 10               | 0      | 0  |     |
| Church  | 48     | 0        | 0         | 6                | 0      | 0  |     |
| Azalea  | 50     | 3        | 0         | 0                | 0      | 0  |     |
| Maple   | 30     | 1        | 0         | 0                | 0      | 0  |     |
| Dogwood | 50     | 6        | 0         | 0                | 0      | 2  |     |
| Outer   | 0      | 1        | 0         | 177              | 10     | 0  |     |
|         | 398    | 23       | 27        | 206              | 10     | 2  | 666 |







LEGISLATIVE COMMITTEE RECOMMENDATION

---

The Legislative Committee of the Planning Board first met to discuss this petition at their recurring meeting on Tuesday, July 19. The members of the committee that were present were Jim Robertson and Neil Brown. In general, the Committee members were supportive of the proposed text revisions. Staff presented a reduction from 1.5 spaces per unit to 1 space per unit. The Legislative Committee recommended complete elimination of the parking minimums to match the standards for the 7<sup>th</sup> Avenue MSD.

After this Legislative Committee meeting, Staff further considered the proposal and also considered recommending that the minimum not be reduced entirely, but rather a “Fee-in-Lieu of Parking” be implemented to help offset the additional demand residential units place on public parking. A fee-in-lieu of parking would add extra flexibility for development within the C-I Zoning District and help to provide the City with funding to continue the provision of consolidated public parking within this district. The concept of a fee-in-lieu of parking is not part of staff’s proposal at this time, however the concept will be researched and considered by staff with hopes of bringing a zoning text amendment for fee-in-lieu of parking to Council within the next 12-18 months after the concept is evaluated as part of the new Comprehensive Plan and after the 5<sup>th</sup> Ave Parking Deck is completed and data from that new facility can be evaluated.

Since the Legislative Committee first convened on this topic, an application proposing the elimination of the parking minimums in the C-I was received. The Legislative Committee reconvened on Tuesday, August 30<sup>th</sup> to reconsider the proposal and take account of the potential of a fee-in-lieu of parking structure in the future. Members present at this meeting included Neil Brown, Jim Robertson, Stuart Glassman and Peter Hanley along with Matthew Manley and Lew Holloway from City Staff. After considering the rationale for reducing parking minimums and the potential benefit and flexibility of a Fee-in-Lieu system, the Committee recommended aligning the C-I and PRD parking requirements with those of our other zoning districts throughout the City, i.e. minimum of 1 parking space per residential unit.

STAFF ANALYSIS

Additional considerations by staff included the increased cost that minimum parking requirements have on housing and development as well as the potential roadblocks parking requirements present for redevelopment of existing property. Furthermore, parking needs are market-driven. By reducing parking minimums, it offers developers the flexibility to “right-size” their parking needs based on the projected needs of potential tenants/buyers. Developers would be permitted to provide more parking than is required but not less. A reduction to minimum parking requirements will help address these issues.

It is important to note that approximately 1/3<sup>rd</sup> of City of Hendersonville residents own 1 car or have no vehicle according to the 2020 American Community Survey. With the rise of work-from-home based employment and ride share opportunities, the number of households that do not own a car is anticipated to increase. Furthermore, provision of infill residential development within the City’s walkable, urban locations would allow for more residents to opt out of vehicle ownership.

After additional review and consideration by the Staff and the Legislative Committee the following revisions to the zoning code are recommended:

C-1 - 5-6-3. Development standards.

The following standards shall apply to development within the C-1 Central Business Zoning District Classification and Central Business Conditional Zoning District Classification in addition to all other applicable standards contained in this appendix.

**5-6-3.1. Parking and Loading.** For non-residential developments and residential developments containing fewer than five dwelling units, no off-street parking is required. For residential developments containing five or more dwelling units, off-street parking of one ~~and one-half~~ spaces per dwelling unit shall be provided.

As far as practicable, off-street parking, when provided, shall be accessed by means of east-west streets or alley ways and shall be designed so that it is screened, as far as practicable, to minimize motor vehicles and parking areas from view from Main, Church and King Streets. This provision is not intended to require that buildings be screened from view.

**PRD - 5-14-6.7 Off-street parking.** Off-street parking requirements for planned residential developments shall be as follows:

A minimum of one ~~and one-half~~ spaces per residential unit containing one or two bedrooms. A minimum of ~~two~~ one and one half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.

Section 6.5. Off-street Parking Standards

|                                 |  |
|---------------------------------|--|
| Residential dwellings           | 1 per each dwelling unit or 1.5 per each dwelling unit <u>containing</u> <del>exceeding</del> three <del>or more</del> bedrooms  |
| Planned residential development | 1 <del>.5</del> per <u>each dwelling</u> unit <del>w/1 or 2 bedrooms and or 2</del> <u>1.5</u> per <u>each dwelling</u> unit <u>containing</u> <del>w/3</del> <u>three or more</u> <del>±</del> bedrooms |

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

| COMPREHENSIVE PLAN CONSISTENCY    |  |
|-----------------------------------|--|
| Land Use & Development            | Goal LU-10. Downtown Core: Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. <u>Maintain a highly urban, pedestrian focused environment through building and streetscape design.</u>   |
|                                   | Strategy LU-10.4. Development guidelines: <ul style="list-style-type: none"> <li>• Continuous “street wall” with buildings adjacent to the sidewalk [CONSISTENT]</li> <li>• Rear parking or limited side parking only [CONSISTENT]</li> </ul>  |
|                                   | Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development.<br>Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects. [CONSISTENT]  |
|                                   | 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.<br>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.[CONSISTENT] |
|                                   | 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. [CONSISTENT]   |
| Population & Housing              | Strategy PH-1.1 – Promote compatible infill development  |
|                                   | Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.  |
| Natural & Environmental Resources | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Cultural & Historic Resources     | Strategy CR-4.3. Support increased Downtown housing and office density in order to support retail uses and create a 24-hour environment.   |
| Community Facilities              | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Water Resources                   | <b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>   |
| Transportation & Circulation      | Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.  |
|                                   | Strategy TC-2.4. Encourage bicycle parking facilities at key destinations.   |
|                                   | Action TC-3.3.2 Incorporate zoning regulations that encourage shared parking and cross-access easements.   |

## GENERAL REZONING STANDARDS

|                               |  |
|-------------------------------|--|
| Compatibility                 | <b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>   |
|                               | <i>A significant amount of public and private parking spaces are available with the C-I Zoning District. Reduction of minimum parking space requirements reduces the need for individually-owned surface parking lots and promotes opportunities for infill development which supports the walkable urban form found in the C-I District.</i>  |
| Changed Conditions            | <b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>   |
|                               | <i>Additional residential development within the Central Business District is desired by the market and serves as a tool for economic development.</i>   |
| Public Interest               | <b>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 -</b>   |
|                               | <i>More residents within this district helps to support businesses within the district. Additional residential uses within an established commercial district with existing infrastructure reduces demand for greenfield development. Policies which support consolidated parking in the downtown district helps to support a walkable urban form that is not broken up by “gaps” of street-facing surface parking lots.</i> |
| Public Facilities             | <b>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</b>   |
|                               | <i>The C-I Zoning District is in an urban location that is well served by public facilities.</i>   |
| Effect on Natural Environment | <b>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 -</b>  |
|                               | <i>Reduction in individually-owned surface parking lots can serve to reduce impervious surfaces and allow for additional landscaping which can reduce stormwater runoff.</i>   |



DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

*The petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design.*

In conjunction with the recommendations from Staff, 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 staff recommendation aligns the minimum parking requirements for the C-1 and PRD Zoning Districts with other residential and mixed-use parking standards.*
- *The staff recommendation reduces restrictions for residential development in downtown and along thoroughfares. Residential development and utilization of underutilized properties within these areas is desired.*
- *A significant amount of public and private parking spaces are available with the C-1 Zoning District.*
- *Reduction of minimum parking space requirements reduces the need for individually-owned surface parking lots.*
- *Centrally-located, consolidated parking locations are preferred over individually-owned surface parking lots as a means of protecting and advancing walkability and better utilizing land within the downtown core.*

*DRAFT [Rational for Denial]*

- *The text amendment would place a burden on public parking in downtown*

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS, SECTION 5-6-3.1. AND SECTION 5-14-6.7; AND ARTICLE VI. – GENERAL PROVISIONS, SECTION 6.5. “OFF-STREET PARKING STANDARDS” OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADDRESS STANDARDS FOR PARKING REQUIREMENTS**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on September 12, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

**WHEREAS**, City Council took up this application at its regular meeting on October 6, 2022, and

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

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 6, 2022,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend Article V. – Zoning District Classifications, Section 5-6-3.1. and Section 5-14-6.7; and Article VI. – General Provisions, Section 6.5. “Off-street Parking Standards” be amended as follows to reduce minimum parking requirements in the C-1 and PRD Zoning Districts and to make additional clarifications and corrections.

**Section 5-6-3. Development standards.**

The following standards shall apply to development within the C-1 Central Business Zoning District Classification and Central Business Conditional Zoning District Classification in addition to all other applicable standards contained in this appendix.

**5-6-3.1. Parking and Loading.** For non-residential developments and residential developments containing fewer than five dwelling units, no off-street parking is required. For residential developments containing five or more dwelling units, off-street parking of one ~~and one half~~ spaces per dwelling unit shall be provided.

As far as practicable, off-street parking, when provided, shall be accessed by means of east-west streets or alley ways and shall be designed so that it is screened, as far as practicable, to minimize motor vehicles and parking areas from view from Main, Church and King Streets. This provision is not intended to require that buildings be screened from view.

**Section 5-14-6.7 Off-street parking.** Off-street parking requirements for planned residential developments shall be as follows:

A minimum of one ~~and one half~~ spaces per residential unit containing one or two bedrooms. A minimum of ~~two~~ one and one half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.

**Section 6.5. Off-street Parking Standards**

|                                 |  |
|---------------------------------|--|
| Residential dwellings           | 1 per each dwelling unit or 1.5 per each dwelling unit <u>containing</u> <del>exceeding</del> three- <u>or more</u> bedrooms   |
| Planned residential development | 1. <del>5</del> per <u>each dwelling</u> unit <del>w/1 or 2 bedrooms and or 2</del> 1.5 per <u>each dwelling</u> unit <u>containing</u> <del>w/3</del> <u>three or more</u> + bedrooms |

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6<sup>th</sup> day of October 2022.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

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Angela L. Reece, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT

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**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

7/25/2022

Section of Ordinance proposed to be changed

5-6-3.1

Proposed change

5-6-3.1. Parking and Loading. For non-residential developments and residential developments ~~containing fewer than five dwelling units, no off-street parking is required. For residential developments containing five or more dwelling units, off-street parking of one and one-half spaces per dwelling unit shall be provided.~~

Reason for change

Amount of parking required will better suite the context as amount of parking required is unlike counterpart zones.

Applicant Name

Peacock Architects - Represented by Moe Marks

Address

1512 E Broward Blvd Suite 102 Fort Lauderdale FL 33301

Phone

954-728-8000

Fax

N/A

E-mail

Moe@peacockarchitect.com

Signature

*Moe Marks*

Official Use:

DATE RECEIVED: \_\_\_\_\_ BY \_\_\_\_\_ FEE RECEIVED \$ \_\_\_\_\_



**Section 11-4 Standards** The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. 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.

As far as practicable, off-street parking, when provided, shall be accessed by means of east-west streets or alley ways and shall be designed so that it is screened, as far as practicable, to minimize motor vehicles and parking areas from view from Main, Church and King Streets. This provision is not intended to require that buildings be screened from view.

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.

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.