CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, November 08, 2021 – 4:00 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

   A. Minutes of October 11, 2021

4. **OLD BUSINESS**

5. **NEW BUSINESS**

   A. Zoning Text Amendment – Supplementary Standards for Private Clubs (P21-58-ZTA) – *Matthew Manley, AICP – Planning Manager*

   B. Rezoning: Standard Rezoning: 0 South Allen Road PIN: 9588-22-1126 (P21-60-RZO) – *Tyler Morrow, Planner II*

   C. Rezoning: CZD Site Plan Amendment: The Landings of Flat Rock PIN 9588-12-4337 (P21-50-CZD MOD) – *Tyler Morrow, Planner II*

   D. Zoning Map Amendment - Shepherd Street (P21-59-RZO) – *Alexandra Hunt, Planner I*

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

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

Minutes of the Planning Board
Regular Meeting - Electronic
October 11, 2021

Members Present: Jim Robertson, Chair, Neil Brown, Candi Guffey, Peter Hanley, Bob Johnson, Tamara Peacock, Barbara Cromar

Members Absent: Hunter Jones, Robert Hogan, Jon Blatt (Vice-Chair)

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Alex Hunt, Planner 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. Chair stated the application for Half Moon Heights would be moved to the first item under New Business. ***Mr. Hanley moved for the amended agenda to be approved. The motion was seconded by Mr. Johnson and passed unanimously.***

III Approval of Minutes for the meeting of September 13, 2021. ***Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 13, 2021. The motion was seconded by Mr. Brown and passed unanimously.***

IV Old Business - None

V New Business

V(A) Conditional Zoning District – Application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicants and Triangle Ballantyne Hendersonville, Inc, property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 101 single-family homes on approximately 33.65 acres. Mr. Manley gave the following background:

This is a major subdivision. The applicant is Half Moon Landings, LLC and the property owner is Triangle Ballantyne Hendersonville, Inc. Chair asked that everyone be respectful during public comment time. Mr. Manley stated the site is under 34 acres and is located off of Chimney Rock Road. It is currently zoned PRD CZD and the proposed zoning is PRD CZD. The number of lots has changed from the original 101. The site plan has been revised and he will let the applicant speak on this. A Neighborhood Compatibility meeting was held on September 1st and had a significant turnout. There were 50 to 60 that attended in person and several attended via zoom. There were 26 pre-submitted comments. Topics of concern were environmental impacts, impact on views, potential flooding, stormwater management, traffic through Wolf Chase via Half Moon Trail, increased traffic from Ballantyne Commons, reduction of property values, issues with Wolf Chase walking trail and lack of greenspace.

Mr. Manley discussed the elevation at the highest point being 2,332 feet. He showed photos of the existing property and explained the access to the site. He pointed out the Duke transmission lines and Duke right-of-way. He also showed a photo of Corn Mountain and Gypsy Lane access.

The current zoning and land use map was shown. The location is primarily designated as Medium Intensity Neighborhood according to the City's Future Land Use Map. The Natural Resource/Agricultural designation is also present due to the presence of floodplain on a portion of the Wolf Chase and Wolf Penn developments. Business Center designation is also found on Chimney Rock Road, adjacent to the property. Medium Intensity Neighborhood is to provide a transition between High and Low Intensity Neighborhood. This designation encourages walkable neighborhood design with at least 60% open space in new developments with two to eight units per gross acre. Henderson County's Future Land Use Map designates a portion of the subject property and the neighboring Corn Mountain Estates as Conservation area due to the steep slopes, elevation and mountain view in this location. The Henderson County Land Use Map was only used to understand the slopes being impacted and should not affect the decision made today. There are several proposed development challenges due to the Natural and Environmental Resources – Chapter 3 of the Comp Plan concerning the large, wooded track and slopes. This chapter focuses on retaining quality open space and preserving the woodlands.

Chapter 7 focuses on transportation and circulation and the connection to adjoining properties. Staff asked the developer for a connection to Gypsy Lane, but the developer stated the 10% grade that connects Gypsy Lane would make a connection impossible. A pedestrian connection could be used to connect to the adjacent properties. Mr. Manley pointed out the ravine on Half Moon Trail.

A tree survey was done and there are a large number of trees on the property. There are 925, 12" caliper or greater. They are proposing to preserve 247 or 27% that are greater than 12" in diameter. Of the trees proposed to be preserved 66% are Pine. They are proposing to remove 678 or 73% of the trees on site greater than 12". Of the trees proposed to be removed, 57% are hardwoods.

The site plan will be modified slightly with connections along Half Moon Trail to be shown. The whole parcel is owned by Ballantyne Commons and was part of Phase II of the development. Nothing was proposed for this site, but it was supposed to be part of the multi-family development.

Mr. Manley stated they plan to have a pedestrian connection on Gypsy Lane. This is a requirement from the Subdivision Ordinance. The Planning Board can make recommendations but cannot offer conditions varying from the Subdivision Ordinance. Variances from the Subdivision Ordinance must be approved by the Board of Adjustment.

The Design Review Committee reviewed this and consist of staff from Public Works, Engineering and Water and Sewer, Fire and Police. This project is generally compliant with the Zoning Ordinance. The developer has worked hard to bring this into compliance with the Comp Plan.

The Tree Board also reviewed this project. Several residents from Wolf Chase and Wolf Penn attended the meeting and voiced concerns. The Tree Board made a motion that varied from their conventional approach. The Tree Board noted that the development is incompatible with Chapter 3, Section 3.3 Goals and Strategies NR-1 but made a condition that the developer protect the trees that they have proposed to save in accordance with Section 15-4 C Protection of the Existing Trees of the Zoning Ordinance and all new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.

Staff has 8 recommended conditions and has talked with the developer about them:

1. Size the stormwater systems to retain runoff for at a minimum a 25-year event,

2. Utilize Low Impact Development practices through incorporation of pervious concrete for sidewalks and driveways.

3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance. – *The developer proposes to use silt fencing as opposed to the specific fencing requirements as stated in Section 15-4 of the Zoning Ordinance.*

4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.

5. Recess garages or shift parking to rear of lots. Make front porch the primary architectural feature fronting the street. – The developer proposes that a majority of homes will have recessed garages with the front porch being the primary architectural feature.

6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop.

7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR -2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas. *The developer has a counter proposal to address here tonight.*

8. Provide ROW connection to Gypsy Lane to accommodate pedestrian connection and utility connections (per City Code).

There were 17 pre-submitted comments that have been printed and given out to the Planning Board members and are part of the record.

Mr. Manley stated staff had discussed a variance from the Board of Adjustment concerning the steep slopes section of the Subdivision Ordinance. He explained the slopes and percentages. He also stated based on the email he received today from the developer; they will not need to pursue the variance. Staff has not yet reviewed any proposed changes yet.

Chair asked if there were any further questions for staff.

Chair asked about the current property owner being Ballantyne Commons. Mr. Manley stated they are the current property owners, and this was part of a Phase II development. They did not show any specifics or layout in the approval but would return when they were ready to submit the plan.

Mr. Johnson asked for a clear definition on pervious concrete. Mr. Manley stated it is the same standards as concrete, but it allows the water to runoff easily.

Joe Schlotterbeck, developer stated he was born and raised in Fairview, NC. He explained to the Board how the project has evolved. The first plan (which was never submitted) had 121 lots. Those numbers have been reduced due to feedback. He explained the cul-de-sac on the southern side and the sidewalks would go along the property lines. He feels connectivity is important. They now connect to Half Moon Trail. They went from 107 lots to 101 lots. The received feedback from the Planning staff on the grading plan. The slopes are detrimental to the environment and they have addressed this.

A fourth design was done after the Tree Board meeting. They asked to leave the animal corridor and leave as much vegetation as possible and now they are down to 95 lots. He stated concerning the 30% zone, the animal corridor is a narrow corridor with trees growing through the property. They plan to leave the connectivity for the animals. He pointed out the green section on the site plan as the 30% slope with the

ravine. They plan to leave a connectivity through there to the undeveloped property. This would leave a connection for future development.

There were concerns and feedback about the project not having enough amenities. They have now included a dog park and a playground for children. These areas will be on top of the underground stormwater system. All water collected will go in the underground storm tech system. It is similar to a septic system and has stacked chambers. They plan to locate the system where the property has already been cleared. As far as condition 8 and the connectivity, they have no problem doing this.

He showed the tree survey with the site map on it. They are keeping the area 65 to 70 feet and leaving as much as they can but would like to change the Tree Board condition to use silt fencing. They plan to replant the site and make it beautiful.

They will be making seven lots with basements to be able to stay out of the 30% area as much as possible.

The first submittal was 107 lots with 3.18 units per acre. They are down to 2.82 per acre. They had 60% open space but now have 74% open space. They were at 30% proposed impervious surface and are down to 26.6% on that. Common open space is 10.7% required and they have 21.4% now.

They plan to implement a hiking trail and leave it natural. They do not have the specifics on this yet, but they plan to make it part of the community.

The largest challenge is the conservation of the natural habitat. They have 925 trees, and he has sat through numerous project meetings and he feels they have more trees on this site than any other development has had. They were removing 678 trees but now plan to remove 637 and preserve 41. He discussed the zoning ordinance credits on preserving existing vegetation. He stated 29 street trees are required and they will be planting 310 trees. No buffer is required but they plan to plant 219 buffer trees. They will have a total of 624 trees planted. They have 20.6 times more trees than are required.

They realize they are having a large impact on the site and they want to do the right thing when developing the property. He understands that Wolf Chase has concerns about the stormwater and flooding and run off but they have homes that are built in the 100 year floodplain. Staff asked for a 25-year stormwater system and they have agreed. Their engineer is currently designing the system.

He asked that the Board members google pervious concrete. This concrete soaks the water right into the ground. They plan to use pervious concrete on the driveways but cannot use it for the sidewalks. They have also reduced the size of the homes to 40’ x 60’. In areas where 15 to 25% slope was allowed this was already met by the ordinance. They made the number work by reducing the size of the house and increasing the lot size. Impervious is required to not be over 30% and they are at 22%.

Mr. Johnson asked about the details of the sidewalk and a planting strip. Mr. Schlotterbeck stated he does not have that information yet.

Mr. Brown asked about the proposal for the #5 condition, does he know yet which homes will have the recessed garages and front porches. Mr. Schlotterbeck stated he was not sure yet. They are still working on that.

Mr. Schlotterbeck stated every condition increases their cost and he is trying to keep the homes affordable. He explained construction costs now and how that is going to increase the price of the homes.

Chair discussed saving the trees. Mr. Schlotterbeck stated they are trying to preserve as many as they can. They saved the trees in the cul-de-sac but lost 6 more trees. They gained 12 to 15 trees by eliminating the cut on the other side of the street.

Chair asked him to talk about the silt fencing for the trees. He understands that is a large area but when you have only a silt fence right up to the tree itself, it does not always protect the tree. Mr. Schlotterbeck stated he understands the value of planting more trees but using 2 x 4's instead of fencing is not cost efficient. They are open to using a second fencing for erosion control. Chair stated a large majestic red oak tree will need more than fencing to protect it. They need to work with city staff for extra protection.

Lew Holloway, Community Development Director stated they need to be as clear as possible on the conditions. City Council and the developer will have to agree on them.

Chair asked about Half Moon Trail coming in from Ballantyne Commons. Mr. Manley pointed out where the city will pick up and maintain the street now.

Mr. Schlotterbeck stated they are only buying the property if this street remains opened. He discussed Rustling Pines Lane as another connection to 64 if there were any future development. He explained building the development in phases.

Chair asked about the hiking trail connectivity and if they would be open to letting other developments use it. Mr. Schlotterbeck stated the HOA for Wolf Chase has zero interest in using their trials and with the cost to maintain it, he would do the same with his hiking trail, but he is open to discussing it. Mr. Manley stated the trail could be made a condition and they could leave the use to be resolved over time.

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

Chair opened the public comment time and asked that anyone wishing to speak would come forward and state your name and address for the record.

Patricia Gore, Wolf Pen stated she looked up the concrete and that type of concrete had a lot of soil and maintenance problems. Asphalt is very expensive, and she is concerned what will happen in 5 to 10 years. She also was concerned about why they are taking down the hardwood as opposed to softwood. She also has standing water behind her house when it rains. There is a steep hill behind her house, and it looks like a creek rising when they have heavy rain. The water comes up to her shin. She also thanked the developers for listening to their concerns.

Joanne Hobson, 45 Foxtail Court stated she is concerned about 190 vehicles exiting Half Moon Trail and heading westbound on 64 and with school buses and traffic heading westbound will be a nightmare. How will they be able to exit safely adding 190 more vehicles out of her neighborhood? If they come through Ballantyne Commons, they will have to turn east and cannot go west. She is very concerned about the traffic.

Lois Van Reese, 131 Creekwalk Lane stated is it legal to drive on a private street. People do not like to drive through parking lots and once Half Moon Trail becomes a city street it will add another 180 cars coming down from Ballantyne Commons to use as a cut through. She stated the Board has received 17 letters and she would ask that they read each one.

Janice Mallindine, 135 Creekwalk Lane stated this project has received plenty of public interest. At the meeting on September 1st a petition was given to the city and now more people want to sign it. Objections were made by the residents and it made the front page of the Times News. Multiple letters were sent to the Tree Board and they voted against it. The environmental impact of removing the trees makes this

dangerous. Everyone knows they will not replace the trees with mature trees. The wildlife lives in the area and the City Code states it is to be protected but you never heard anything about that. As for the 25-year stormwater system, the 25-year event is happening now due to the climate change. It will not be enough to handle the water. They have flooding on Foxtail Court up to their homes now. This will loosen the soil on a steep slope and as you can see from Haywood County that will cause major damage and massive problems. The water fills up in the culvert now so that you can't even see it. They had a stormwater expert look at the culvert and it not channeling water and no state will do a multi-million project for any development to fix the culvert issues. This will also increase traffic and have a negative effect on Half Moon Trail. The gate is for emergency vehicles only and people have smashed their cars into it trying to get through it. City trucks don't even plow Half Moon Trail and school buses do not use it. They stop on 64 for elementary, middle and high school children. This is not safe. Traffic is already difficult, please don't put more traffic on this road. She understands the importance of building homes but build them somewhere else. She encourages the developer to find flat land in the county and not put the neighbors in danger. Please say no to Half Moon Heights.

Lisa Better, Wolf Pen stated she is concerned about the security. She lives in a gated community and would like for the trees to be left there. She lives right at the Duke easement and kids come into her backyard all the time. She would like the developer to consider planting trees along the easement.

Joseph Culotta, 38 Foxtail Court stated cars come down that hill to Half Moon Trail and throw on their brakes and try to smash through the gate now. He wants the developer to leave the gate there and keep them sperate from Half Moon Heights. It just makes a mess and is difficult to get onto 64. Keep the gate there and let them build their own drive.

Gus Martschink, 40 Snowy Egret Way stated his property line abuts this area and there are a lot of boulders on the property. If he was to fall, he would roll all the way to the street because the property is that steep. There is already a lot of water and water will move down quickly. He would like the Board to read all 17 submitted comments before making a decision. He is a volunteer chaplain at Pardee Hospital, and he has a real estate license that he does not use so he understands development. When he is called into the hospital families are experiencing the worst event in their life and he is tired of people dying unexpectantly. Accidents will happen but not unnecessarily by a lack of vision on what is appropriate and what is not. This could be life lost on the act of stupidity. The Board has an opportunity to fix that. Look at the entrance into Wolf Pen and how fast people drive into their gated community. This is more development than the traffic can handle. He has had conversations with the developer, and they are nice people, but this is a case of being in the right church but in the wrong pew. It is just not going to work. The City of Hendersonville does not have a park on the west side of I-26 so make this area a nice park. He respectfully asks the Planning Board to stop it right here. He showed a photo of the sign stating Hendersonville is a 30-year Tree City USA from the Arbor Tree Foundation growth award. If we keep building, we will lose this distinction. This is a wonderful place to live but you cannot clear cut mature trees that have strong roots and replace them with sticks. They have no root system. Please stop this project.

Chair asked if anyone else would like to speak. No one spoke.

Chair opened the public comment via zoom.

Lurah Lowery, Times News reporter asked about the changes made to the square footage of the homes and if they would still be two-story homes with three bedrooms and two baths and a two-car garage.

Kathy Cervone, 100 Brookstone Court stated the developer was promoting it as workforce housing and people making $15 to $20 an hour cannot afford a $375,000 home. She stated connecting the green space and the trails would be a problem as they have insurance on the trail and that may increase their insurance rates.

Ms. Lowery asked if the lot sizes have changes.

No one else spoke via zoom.

Chair asked if anyone else had any questions or would like to speak. When no one spoke, Chair closed the public comment time.

Mr. Hanley asked if the developer planned to put any fencing. Mr. Schlotterbeck stated no.

Ms. Peacock asked if the landscaping is binding. Mr. Manley explained that this is just a conceptual plan. The final and binding site plan would come after City Council approval.

Ms. Cromar wasn't clear on the recessed garages. Was that mandatory? Mr. Manley explained the Comp Plan guideline on this. Ms. Cromar asked if they could add mandatory conditions. Mr. Manley stated they cannot make mandatory conditions.

Discussion was made on the recessed garages and adding the garages to the rear. Mr. Schlotterbeck stated there is not enough room to put the garages in the rear. It would not be feasible nor cost efficient. It is more cost efficient to have the garages by the road. They plan to have recessed garages for the majority of the homes, and this was a condition proposed by the developer.

Ms. Cromar asked about the stormwater system being placed under the playground and when it would be installed.

Gary Davis, Civil Engineer for the project explained the stormwater ratio and the rate to detain the water. He described the chamber size and how stone would be placed around it. They are able to build the playground on top of the system without compromising it. He discussed water quality and water quantity. They will install each system per phase and will not construct it right away.

Mr. Schlotterbeck stated the sidewalk will not have the pervious concrete with there being maintenance issues, but they will be well under the 30%.

Mr. Manley stated a TIA was triggered. There were two rounds to this one. The City's consultant had revisions and those were addressed and resubmitted. No mitigation was submitted. A declaration lane was not required at Half Moon Trail and it did not require a signal light. This was reviewed by the City's consultant and they concurred.

Discussion was made concerning the school bus traffic and having a bus stop located where the cluster mailboxes will be. Ms. Guffey asked what time of the year the study was done. Was it done during Covid and when school was in session? Mr. Schlotterbeck stated it was done in May and school was not in session. He reached out to NCDOT and they have no traffic data for Covid.

Discussion was made on when the gate is opened having speed bumps or something to slow traffic down. Mr. Holloway stated speed bumps may not be feasible for when the street needs to be plowed. This will have to be addressed by Public Works.

The boulders on the property were discussed. Mr. Schlotterbeck stated he plans to use them for landscaping.

Mr. Schlotterbeck stated the lot size will be 7,400 to 7,500. He also stated he never tagged the homes as affordable housing, he tagged them as semi-affordable.

Mr. Brown stated he is not comfortable with the conditions and he suggested deferring the application until November and bringing it back. He just is not comfortable with the conditions yet and would have to vote no right now.

Mr. Schlotterbeck stated the way the property is currently zoned they could have up to 10 units per acre. Some adjacent properties already have 12 to 15 units per acre. He is asking for 2.8 units per acre and feels it will match nicely with the adjacent surroundings.

Mr. Manley stated if the Board needs more time, they are welcome to do that. They can defer the motion to next month. They would have to open the public hearing again. Mr. Manley stated by right they could have 10 units per acre and could be approved for up to 18. He is asking for 2.8 units per acre.

Ms. Guffey felt like there was a lot of new information given today and she would prefer to defer the motion to next month. Ms. Peacock agreed that she was not totally comfortable yet.

More discussion was made concerning the conditions and #7 concerning the 30% slope. No development can occur on greater than 30% slope and the developer has proposed constructing basements on some of the homes reducing the slope on the lot. Mr. Schlotterbeck stated there are about 6 or 7 lots that will have basements.

Chair asked if the Board could agree on the conditions can staff work with the developer on them. Mr. Manley stated this was only at the preliminary site plan level. City Council will see a more detailed plan.

Ms. Guffey had concerns about the flooding and stormwater. She stated when Publix was built the plans all seemed good but now the flooding is still bad during heavy rains. While it may seem good at the time, it not always is.

Ms. Peacock stated the Tree Board summarized their objections. Are the Board members good with the changes now? Mr. Manley stated he cannot speak for the Tree Board. He stated the plan has greatly improved and changes have been made. The developer has worked hard to improve the plan. Mr. Manley stated the need for housing is great in Hendersonville. He knows the Board has difficult decisions with the impact to the environment but there is existing infrastructure in this area.

Mr. Johnson stated he is not comfortable with the tree issues. Mr. Manley stated the Tree Board took a different stance than normal. They made the statement that it was incompatible with the environmental standards, but they also added conditions if it moved forward. Mr. Holloway stated the Tree Board is authorized to make recommendations to City Council. Staff did include that in the Planning Board staff report for them to look at, but the Planning Board is to review the application for the Zoning Ordnance and Subdivision Ordinance requirements and not based on the Tree Board recommendation. You are an independent body making your recommendation to City Council.

Mr. Brown felt like they needed more time. Mr. Manley suggested they move on to the next item and come back to discuss this one. Mr. Holloway stated they are making recommendations on conditions that both City Council and the developer have to agree on.

Mr. Hanley moved the Planning Board recommend City Council to approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN #9680-00-1446 from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD Planned Residential Development Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted Uses shall include; Residential Dwellings, Single-family. Conditions that shall be satisfied prior to final site plan

approval include: 1. Size the stormwater systems to retain runoff for, at a minimum, a 25-year event (Stormwater Administrator). 2. Utilize Low Impact Development practices through incorporation of pervious concrete for driveways (NR-3.2/Stormwater Administrator). 3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance (Tree Board). 4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects (Tree Board). 5. Recess garages or shift parking to rear lots. Make front porch the primary architectural feature fronting the street (PH-3.1.1). 6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop. 7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR- 2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas (NR-2.3). 8. Provide ROW connections to Gypsy Lane to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code). This condition is subject to change based on potential impact of previous condition (Condition #7). Finding that the rezoning is consistent with the Comprehensive Plans Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons: 1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (Chapter 8 LU-6.1). 2. Single-family detached is a primary use stated in the Land Use & Development Chapter (Chapter 8 – LU-6.2). 3. The proposed density of the development (2.8 Units/Acre) is in line with the Land Use & Development Chapter's guidance off 2-8 Units/Acre. (Chapter 9 – LU-6.4). Chair added the condition that the developer work with City staff on designing a nature/hiking trail that has the ability to provide connectivity to other neighborhoods. Mr. Hanley amended the motion to include the condition. Ms. Cromar seconded the motion. The vote was 6 in favor and 1 opposed. Motion passed.

The Planning Board took a five-minute recess at 6:47 pm. Chair called the meeting to order at 6:52 pm.

V(B) Conditional Zoning District - Application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the construction of a 126,913 sq. ft. mini-warehouse facility on approximately 8.24 acres. Mr. Morrow gave the following background:

Mr. Morrow stated this subject property is on two different PIN's. The current zoning is C-3, Highway Business. The proposed zoning is C-3 CZD, Highway Business Conditional Zoning District. Both PINs combined at 8.24 acres. The applicant is asking that mini warehouses and all other permitted uses in C-3 be permitted. This project required a conditional rezoning due to the redevelopment of floor area exceeding 50,000 square feet. This is coming before the Planning Board due to the size of the building.

A Neighborhood Compatibility meeting was held September 1st. Questions centered around the ownership of the property, storage units on the front of the property, RV/Camper storage and if there is a need for another storage facility.

Parcels to the north are zoned C-3, Highway business and C-2, Secondary Business and contain commercial uses such as the Best Western Hendersonville Inn and El Paso Mexican Restaurant. Parcels to the east are zoned C-3 and PCD, Planned Commercial Development and include the Ramada Inn and Hampton Inn. Parcels to the south are zoned C-3, Highway business and CHMU, Commercial Highway Mixed Use and contain Cascades Mountain Resort. Parcels to the west are zoned C-3, Highway Business and contain Interstate 26.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, south and east as Regional Activity Center. The area to the west is not designated since it encompasses Interstate 26. Other parcels to the east are classified as High Intensity Neighborhood and Business Center.

Regional Activity Center's goal is the meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects. The growth management priority centers around infill areas to encourage infill development on remaining vacant lots and redevelopment of underutilized or undeveloped properties. This is a redevelopment and the Comp Plan encourages infill development. Not only is it Regional Activity Center but it is also a priority infill area. This use is not specifically stated so that throws a wrench into things.

Existing site photos were shown. There is an alley encroachment at the top corner of the property. This right-of-way is not maintained by NCDOT. They have abandoned the alley.

A site plan was shown. The World of Clothing building is 100,936 sq. ft. The office building in the front is 5,249 sq. ft. The new canopies will total 48,200 sq. ft. And the total square footage for the structures on the site will be 154,385 sq. ft. The site plan show four new canopy structures and the interior storage units is 1,200 max. There are 73 exterior canopy storage units.

A total of 61 parking spaces is required. The developer has provided 64 parking spaces. There is vacant land in the northeastern portion of the property. The applicant is not using this area for open space, parking, or access area. The applicant wants to leave this area unattached to the requirements of this development so that it could potentially be developed in the future. It will still be connected to the CZD and would have to come back for approval for any new development.

The northwestern corner of the building is encroaching into the right-of-way and setback. The structure is considered a nonconforming structure as outlined in Section 6-2-2 of the zoning ordinance. The applicant is planning to correct the nonconformity.

The Design Review Committee reviewed the project, and it is generally complaint and supported by the Comp Plan.

The developer has proposed a condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implements everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-foot-wide travel lanes and be provided with a ten foot wide parking lane. All portions of the site shall be readily accessible by police and fire equipment and personnel. The reason the applicant is proposing this condition because this is an existing site and he would have to reconfigure.

Staff does not have any proposed conditions for this development.

The Tree Board recommends a type B buffer along the rear property line, adjacent to the _26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. The developer had stated he would look into this.

There was one public comment submitted. It stated: *BEST WESTERN HENDERSONVILLE INN objects to the proposal as shown on the drawing. There should be a significant set-back from the driveway that separates this property and the Best Western property. The set-back should apply to buildings and fences. Thanks for making our objection known*.

Mr. Hanley asked what a Type B buffer is. Mr. Morrow stated it consists of four broad canopy trees, 25 evergreen shrubs and 33 flowering shrubs. This would be a visual buffer between the building and the ramp. Ms. Cromar stated there is not a buffer requirement when two commercial properties abut one another but this will leave the people at the hotel staring at mini storage, could they make this a condition? Mr. Morrow stated the pavement is already existing and that would mean they would have to tear all that pavement up.

Ms. Cromar asked who was responsible for the alleyway. Mr. Morrow stated he is not sure who is responsible for it, it is a private alley. This would be a legal question but the city is not responsible for it.

Mr. Johnson asked if there is an issue with the hotel's objection. Mr. Morrow stated the hotel wanted to see the buildings placed farther away but the canopy structures do meet the setback requirements and the other buildings are already on the property.

Ms. Peacock asked how they are resolving the encroachment issue. Mr. Morrow state the applicant can speak to that.

Discussion was made about the side fee in lieu. There are no sidewalk there now and it could be difficult to put them in. The City Manager can approve a sidewalk fee in lieu.

Ms. Cromar asked if the new owners will comply with the ADA requirements and changes to the buildings. Mr. Morrow stated that is handled through the Building Inspections Department and is part of the building code requirements. They will have to meet the requirements of the building code for the upfit and also the fire cod requirements.

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

Daniel Renckens, Canvass Capital, LLC stated SafeNest Stroage is their brand and they have a facility off of Naples Road. He wantd to stick with the C-3 zoning as it is permitted by right. This is a growing market and they take very good of their facilities. They have over 25 employees and are based in North and South Carolina. He stated during the pandemic, the World of Clothing had to shut their doors. The business closed in April and had been in business since the 80's. He stated with all the residential development happening in the City of Hendersonville there is a growing need for self storage, 11% of households rent a self storage unit and some have long waiting lists.

Mr. Renckens stated they plan to improve the aesthetics of the building. They are adding security and landscaping and also fences and gates to the plan. They plan to have cameras on the building. They will not be removing trees and they are adding a lot of landscaping. They will have vehicular use landscaping. He stated as far as the Tree Board's recommendation, that buffer would have to placed near the fence on the I-26 side but they only own a 20' strip of grass in front of the building. The rest of that land is right-of-way. A stormwater pie is in that location and the condenser units and it would be difficult to maintain those. He does plan to paint the side of the building.

Ms. Cromar asked if he would be using the whole building. Mr. Renckens stated yes and he will paint the whole building and clean up the parking lot.

Mr. Renckens discussed the two-way traffic mitigation and placing the smaller units at that entrance. He also stated they are in the process of figuring out the encroachment issue before purchasing the property. He does have an attorney looking at this and will keep the city staff updated. Putting a sidewalk in the front may be an issue as there is a steep slope and an embankment. They are still exploring if they will build the sidewalk or ask for a fee in lieu. They will meet all ADA requirements once they start retrofitting the interior.

Ms. Cromar asked about the lighting at night. They will be providing lighting. Discussion was made about the Dark Sky requirements. Mr. Renckens stated they had a lighting audit performed two weeks ago and they plan to have LED upfits for the lights. Mr. Brown asked if the lights would be tucked up under the canopies and act as a shield. Mr. Renckens stated the height on the canopies is 16 feet and he has not seen lights placed under them but that is a great idea and he can look into it and explore it. He plans to have a zero foot-candle at the property line.

Mr. Renckens was asked about the hair salon that is currently in one of the buildings. He stated they are in the process of relocating.

Ms. Cromar asked if the storage units would be internal and temperature controlled. Mr. Renckens stated they all would be.

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

Chair opened the public comment and asked if anyone present would like to speak.

Pauline Borgmeyer, 6000 Wood Duck Way stated the building is an eyesore as it is now and she thinks refurbishing the building is a great idea. What will happen to the signage on the back of the building? What color will the building be?

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

Mr. Hanley asked about having the lighting put in as a condition.

Ms. Peacock stated it is very common to have trees planted in the ROW and she felt like having landscaping there was very important.

Mr. Renckens stated he is going to paint the building and would like to have some type of signage on the building. He also discussed the possibility of a mural. He stated they wouldn't have a problem planting the trees if they could. He plans to paint the building a nice earthtone color and doesn't want the plantings to obstruct the ability to have the signage on the building. They have not decided anything yet and will plan to make a decision at a later date. They are open to it and will discuss it with City Council.

Ms. Peacock moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9579-56-0884 and 9579-46-9642 from C-3, Highway Business to C-3 CZD Highway Business Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted uses shall include 1. Mini-Warehouse and 2. All permitted C-3 uses on November 4th 2021 which are listed in the ordinance. Conditions that shall be satisfied prior to final site plan approval include: (City initiated) 1. The developer shall provide a type B buffer along the rear property line, adjacent to the I-26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. 2. The developer shall provide a photometric plan with zero foot-candles at the property line therefore no light will bleed off the property. Ans including the developer proposed condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implements everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-

foot-wide travel lanes and be provided with a ten foot wide parking lane, finding that the amended zoning is consistent with the Comprehensive's Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: 1. This redevelopment is within a high intensity infill area as designated in the comprehensive plan (Chapter 8-LU1.1). 2. The development utilizes an existing large scale commercial building with a use that is compatible with the surrounding area. 3. The development provides additional storage options for the citizens of Hendersonville. Mr. Brown seconded the motion which passed unanimously.

VI **Other Business**. None

VII **Adjournment** – ***The meeting was adjourned at 7:44 pm.***

_____
Chair

DRAFT

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Matthew Manley, Planning Manager	**MEETING DATE:**	November 8, 2021
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Zoning Text Amendment – Supplementary Standards for Private Clubs (P21-58-ZTA) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:	**For Recommending Denial**:
I move Planning Board recommend City Council APPROVE an ordinance amending the official zoning ordinance of the City of Hendersonville, Article XVI – Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs as presented. Finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 4 - Goal CR-4 and Chapter 8, Strategy LU-1.1, Action LU-1.1.1, and Goal LU-10 and that the zoning text amendment is reasonable and in the public interest for the following reasons: **[Please state reasons describing why this development is good for the community. Example suggestions below or include your own]** 1) It will promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts. 2) It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base. 3) It reflects adaptation by the City to changing market trends in entertainment and hospitality. [DISCUSS & VOTE]	I move Planning Board recommend City Council to DENY an ordinance amending the official zoning ordinance of the City of Hendersonville, Article XVI – Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs as proposed. Finding that the zoning text amendment is inconsistent with the Comprehensive Plan and that the zoning text amendment is not reasonable nor in the public interest for the following reasons: **[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]** 1)

SUMMARY: The City is in receipt of a Zoning Text Amendment application from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius supplementary standard associated with Private Clubs. Currently there are 4 licensed private clubs in Hendersonville. The

Legislative Committee reviewed this application and is recommending the following amendments to the zoning ordinance:

16-4-20 Private Clubs.

a) Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within a 300-foot radius of another Private Club when located on the same street.

b) In all other zoning districts where Private Clubs are permitted, either by-right or as a Special Use, ~~No~~ no private club shall be located within a 600-foot radius of another private club.

c) The effect of such radius will be determined by the distance measured from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club.

d) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

PROJECT/PETITIONER NUMBER:	P21-58-ZTA
PETITIONER NAME:	Gene Ellison / Sam Souhail / Casablanca Cigar Bar
ATTACHMENTS:	1. Staff Report 2. Planning Board Legislative Committee Minutes 3. Draft Ordinance

Text Amendment for Private Clubs - Supplementary Standards [P21-58-ZTA]

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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SUMMARY OF TEXT AMENDMENT

The City is in receipt of a Zoning Text Amendment application from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius supplementary standard associated with Private Clubs.

This proposal was reviewed by the Planning Board's Legislative Committee on October 21.

Currently, the Zoning Code's Supplementary Standards for Private Clubs are as follows:

16-4-20 Private Clubs.

a) No private club shall be located within a 600-foot radius of another private club.

b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

Currently Private Clubs are listed as a Special Use (SU) in the C-1, C-2, C-3, CMU, I-1, and PMD-CZD Zoning Districts. It is also listed as a "limited" use under our Urban Residential Conditional Zoning District.

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	PMHCZD	RCT	MIC	C-1	C-2	C-3	C-4	CMU	PCDCZD	I-1	PMDCZD	PIDCZD	GHMU	HMU	UVCZD	URCZD	CHMU
Planned residential development (major)	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Private clubs	-	-	-	-	-	-	-	-	-	SU	SU	SU	-	SU	-	SU	P	-	-	-	-	L	-

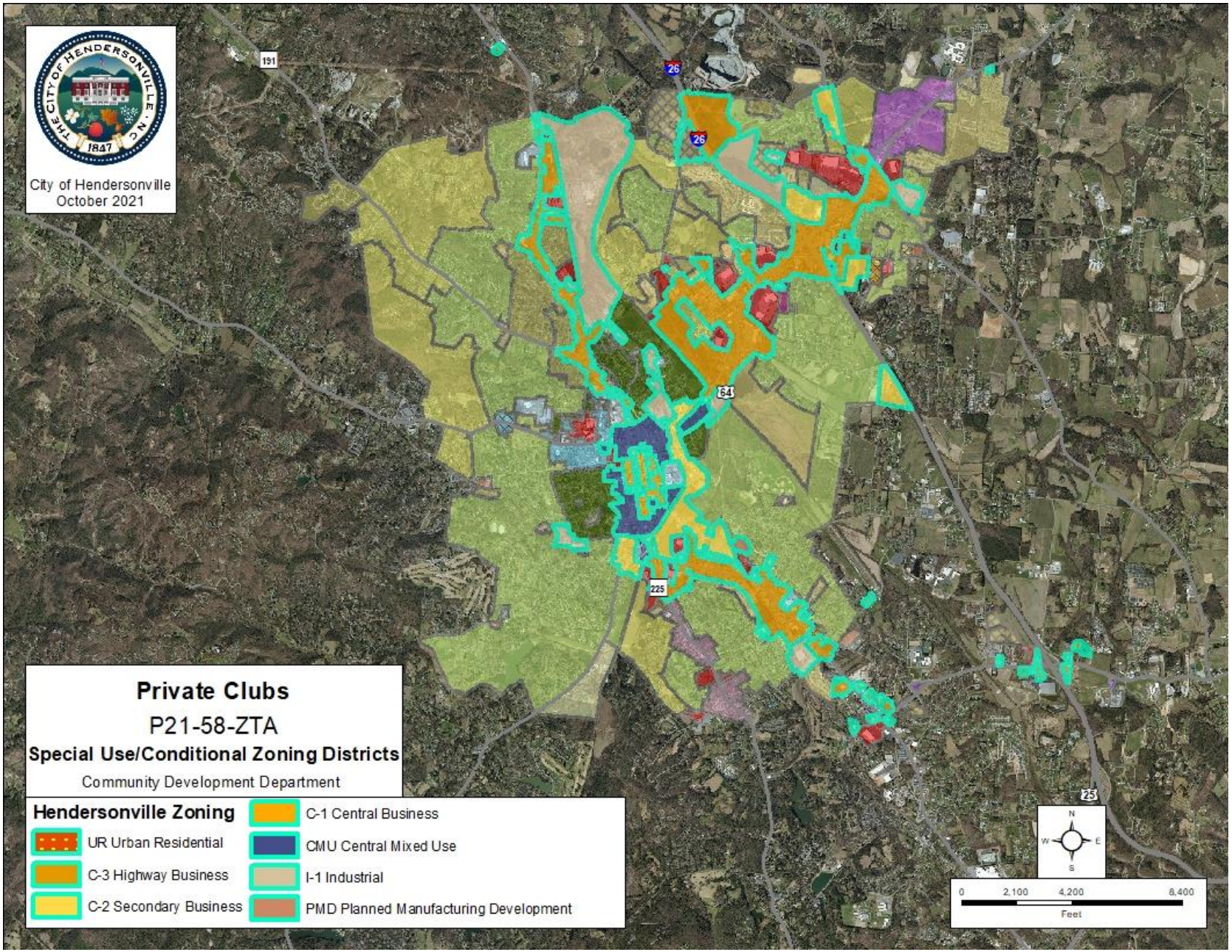
Private Clubs are defined as follows:

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

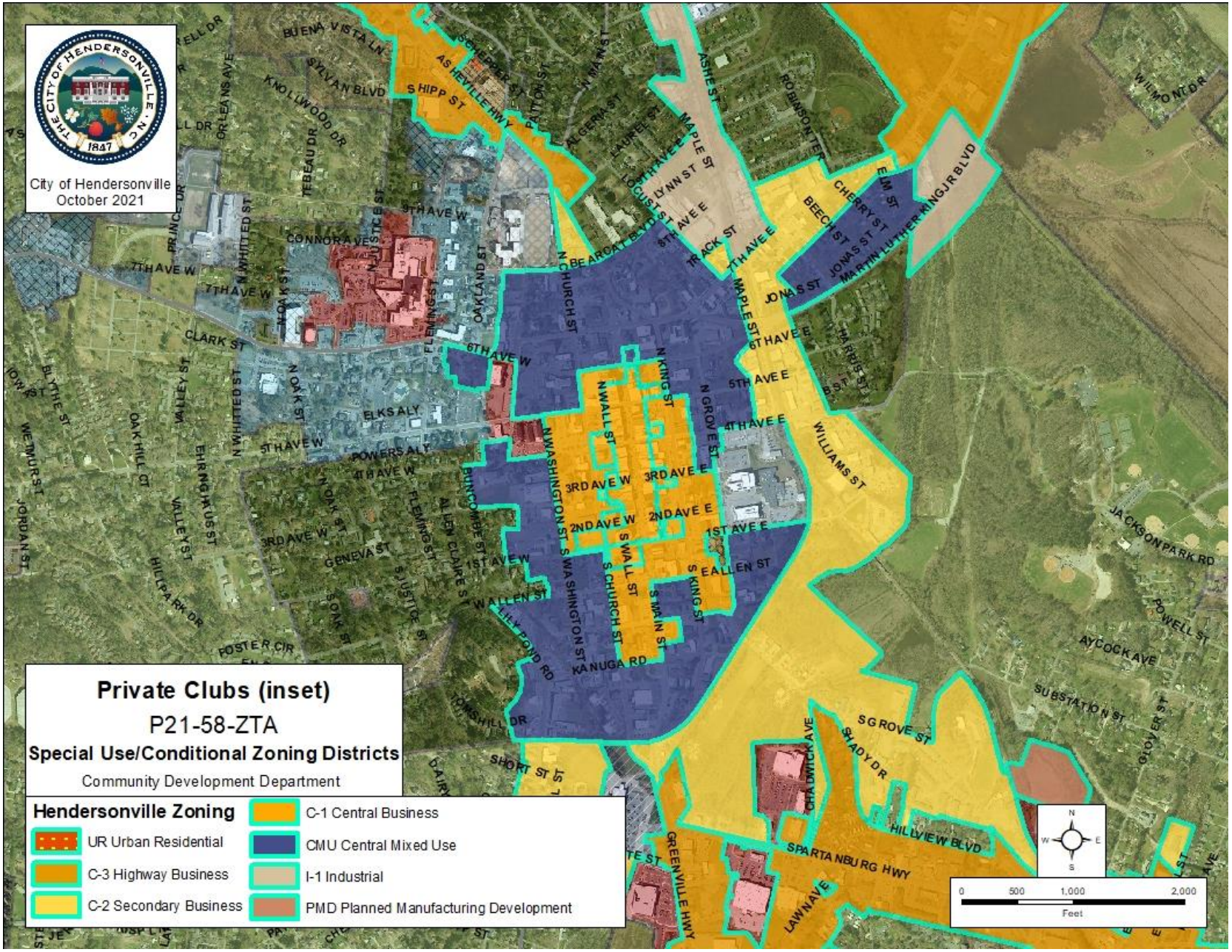
The NC State ABC regulates Private Clubs across the state. There are currently four Private Clubs licensed in Hendersonville:

1. Tobacco Merchant – 129 4th Avenue West – approved 7/9/19
2. Southern Appalachian Brewery – 822 Locust Street – approved 10/26/10
3. Jeff Grier (axe throwing) – 218 Duncan Hill Road – approved 8/14/18
4. The Brandy Bar – 504 7th Avenue East – approved 12/18/17

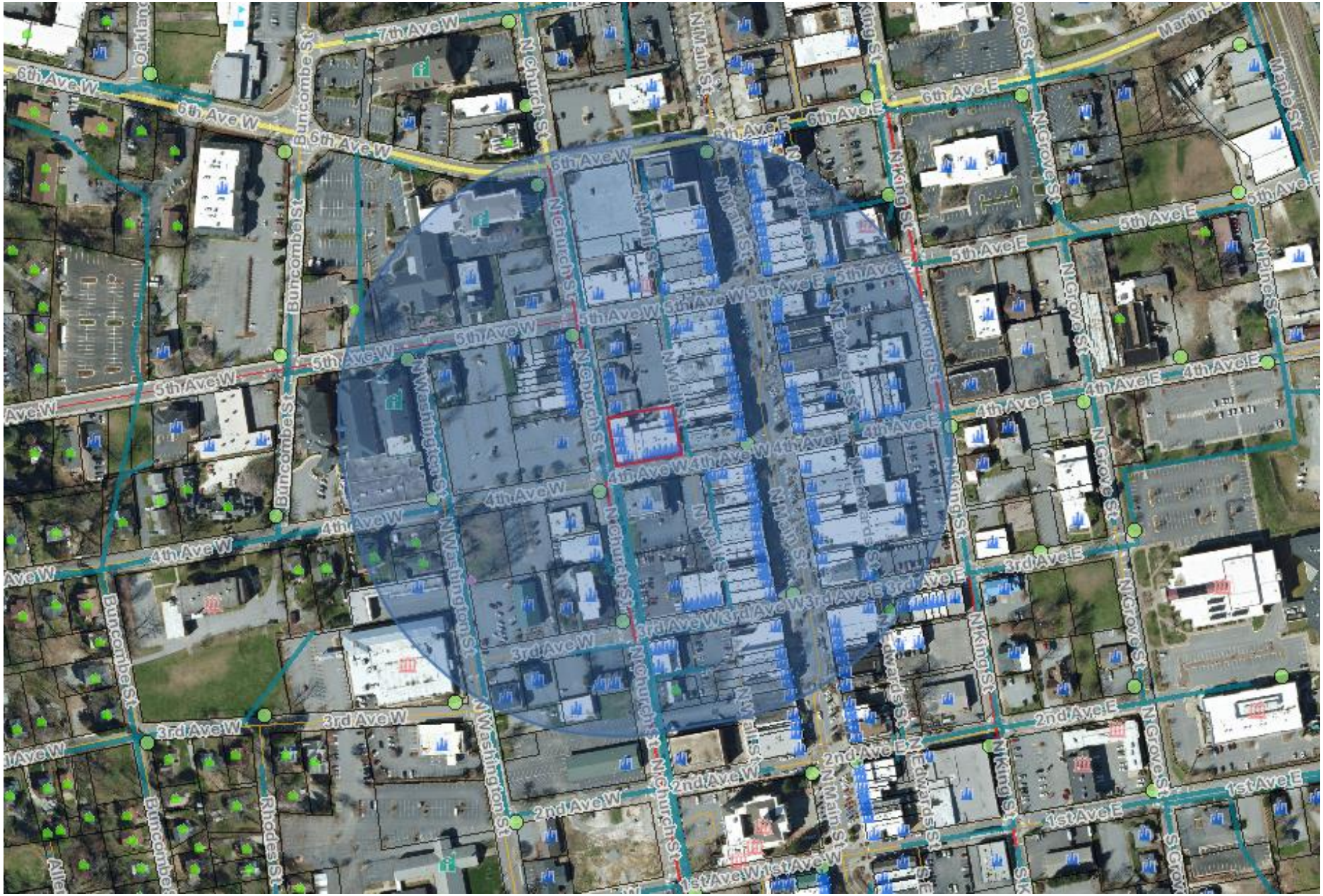
ZONING MAP – Areas highlighted where Private Clubs are permitted as a Special Use



ZONING MAP – ZOOM – Areas highlighted where Private Clubs are permitted as a Special Use



EXAMPLE MAP - 600’ RADIUS MAP AROUND PRIVATE CLUB IN C-1 DISTRICT



COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT:

The Comprehensive Plan does not have a dedicated chapter on economic development. As such staff looked to understand more broadly the intent of various future land use categories that would be impacted by the proposed Zoning Text Amendment. Future Land Uses that will be impacted by the proposed text amendment include Business Center, Regional Activity Center, Neighborhood Activity Center, Downtown Core, Downtown Support, Urban Institutional & High Intensity Neighborhood. While none of these Land Uses designations discuss Private Clubs explicitly, they all discuss the inclusion of retail and/or restaurant uses as primary and/or secondary uses. These types of land uses are most similar to Private Clubs in terms of impact. Furthermore, no explicit direction is given in the Comprehensive Plan regarding distance requirements in general nor specifically for Private Clubs.

Chapter 8 establishes the consistency for the reviewing of potential new uses (such as Private Clubs) under *Strategy LU-1.1* which establishes the following: "*Encourage infill development and redevelopment in areas planned for high intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a.*" Further, *Action LU-1.1*.1 directs implementation through the following means: "*Review zoning standards in High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, Downtown Core, Downtown Support and Urban Institutional areas and revise as necessary to enable compatible infill projects*."

Chapter 8 also includes *Goal LU-10* for the "*Downtown Core*" Future Land Use Map designation. Key aspects of this designation as it relates to this proposed text amendment are as follows:

Goal LU-10.	Strategy LU-10.1.	Strategy LU-10.2.
***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. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.**	**Locations:** • Main Street • 7th Avenue • Portions of Church Street and King Street	**Primary recommended land uses:** • Neighborhood retail sales and services • Restaurants • Arts, cultural and entertainment establishments

Chapter 4, Goal CR-4. establishes a goal to "*Promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.*"

SUMMARY OF LEGISLATIVE COMMITTEE ACTION

The proposed text amendment was reviewed in a public meeting with the Legislative Committee of the Planning Board on October 21, 2021. The Committee consisted of two Planning Board members, Neil Brown and Bob Johnson, as well as Planning Division staff. After some lengthy discussion, the Committee came up with the following recommendation based on concerns that the 600' rule was essentially creating a "monopoly"-like situation in the City's main social/entertainment districts.

Recommendations from Legislative Committee related to Supplementary Standards for Private Clubs:

1. In the C-1 & C-2, no private club shall be located within 300' of another private club on the same street.
2. The measurements for supplementary standards for Private Clubs will be measured from the center of the Main Entrance of any existing private club to the center of the main entrance of any proposed private club.

It was clear in discussing the Supplementary Standards for Private Clubs that the Legislative Committee saw potential adjustments to the "600' Rule" as promoting the inclusion of diversified entertainment options specifically in the zoning districts which govern Downtown (C-1) and the 7th Ave District (C-2).

The proposed text amendment is also scheduled to be reviewed and considered by the Downtown Advisory Committee

PROPSOED TEXT AMENDMENT – Based on recommendation from Legislative Committee

ARTICLE XVI - SUPPLEMENTARY STANDARDS FOR CERTAIN USES

16-4-20 Private Clubs.

a) Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within a 300-foot radius of another Private Club when located on the same street.

b) In all other zoning districts where Private Clubs are permitted, either by-right or as a Special Use, ~~No~~ no private club shall be located within a 600-foot radius of another private club.

c) The effect of such radius will be determined by the distance measured from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club.

d) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Recommendations

RESERVED

Planning Board Motion

RESERVED

DOWNTOWN ADVIOSRY BOARD - SUMMARY OF ACTION

Summary of Downtown Advisory Board Recommendations

RESERVED

SUGGESTED MOTION

See Cover Sheet for Suggested Motion including Consistency Statement and Reasonableness Statements.

ATTACHMENTS:

- Planning Board Legislative Committee Minutes (Oct. 21, 2021)
- Draft Ordinance

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE'S CODE OF ORDINANCES - PART II - APPENDIX A – ZONING ORDINANCE, ARTICLE XVI: SUPPLEMENTARY STANDARDS FOR CERTAIN USES, SECTION 16-4-20 PRIVATE CLUBS

WHEREAS, the City of Hendersonville's Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment pertaining to the distance requirements for Private Clubs as regulated by the City of Hendersonville Zoning Ordinance; and

WHEREAS, City Council desires to promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts; and

WHEREAS, City Council desires to encourage reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base; and

WHEREAS, the proposed amendment reflects adaptation by the City to changing market trends in entertainment and hospitality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Zoning Ordinance Article XVI: Supplementary Standards For Certain Uses, Section 16-4-20 Private Clubs shall be amended as follows:

ARTICLE XVI - SUPPLEMENTARY STANDARDS FOR CERTAIN USES

16-4-20 Private Clubs.

a) Within the C-1, Central Business Zoning District & C-2, Secondary Business Zoning District, no Private Club shall be located within a 300-foot radius of another Private Club when located on the same street.

b) In all other zoning districts where Private Clubs are permitted, either by-right or as a special use, no private club shall be located within a 600-foot radius of another private club.

c) The effect of such radius will be determined by the distance measured from the center of any main entrance of any existing Private Club to the center of any main entrance of any proposed Private Club.

d) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of December 2021.

_____

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Minutes of the Planning Board – Legislative Committee
Virtual Meeting
October 21, 2021

Members Present: Neil Brown, Bob Johnson

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

Legislative Committee Meeting – Supplementary Standards for Private Clubs
A meeting was held via Zoom regarding a Zoning Text Amendment Application from Casablanca Cigar Bar for a proposed change to Section 16-4-20 of the Zoning Ordinance.

It was stated that this application is on the agenda for the November 8, 2021 Planning Board meeting. The purpose of this meeting was to discuss the requirements of Section 16-4-20, which prohibits Private Clubs from being located within a 600-foot radius of another Private Club, in order to give staff direction on the proposal ahead of the November Planning Board meeting. The applicant, Casablanca Cigar Bar, is located within 600 ft of an existing private club. Mr. Manley provided a map demonstrating the 600 ft radius around the existing private club. Staff also provided map displaying all of the zoning districts which currently permit Private Clubs as a Special Use. Mr. Manley also provided a list of current private clubs in Hendersonville:

1. Tobacco Merchant – 129 4th Avenue West – approved 7/9/19
2. Southern Appalachian Brewery – 822 Locust Street – approved 10/26/10
3. Jeff Grier (axe throwing) – 218 Duncan Hill Road – approved 8/14/18
4. The Brandy Bar – 504 7th Avenue East – approved 12/18/17

It was also discussed that any changes to the Supplementary Standards for Private Clubs would affect all proposed Private Clubs moving forward, not just the one proposed by the applicant. A discussion proceeded where the Legislative Committee provided the following recommendations:

- In the C-1 and C-2 zoning districts, no private club shall be located withing 300 ft of another private club on the same street
- The measurements for supplementary standards for Private Clubs will be measured from the center of the Main Entrance of any existing private club to the center of the main entrance of any proposed private club.

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

CITY OF HENDERSONVILLE

PLANNING DIVISION
AGENDA ITEM SUMMARY

SUBMITTER:	Tyler Morrow	**MEETING DATE:**	11-8-21
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development Department

TITLE OF ITEM: Rezoning: Standard Rezoning: 0 South Allen Road PIN: 9588-22-1126 (P21-60-RZO) – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

Planning Board- APPROVAL FOR C-3 ZONING (see below for suggested approval motion for CHMU)

I move the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to C-3 Highway Business finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons:

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

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

Planning Board– DENIAL

I move the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons:

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

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

I further move that the Planning Board Recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons:

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

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

SUMMARY:

The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application. The applicants are requesting initial zoning from the City of Hendersonville for C-3, Highway Business District. The subject property, PIN 9588-22-1126 is located on S. Allen Road. The subject property is approximately 17.13 acres.

This property was annexed into the City of Hendersonville on September 2nd, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the

property, it becomes “un-zoned” until the City zones it.

PROJECT/PETITIONER NUMBER: P21-60-CZD

PETITIONER NAME:

- Peggy C. Cabe
- Enno F. Camenzind
- Paula Camenzind Carter
- Robert O. Camenzind
- Joan C. Fleming
  (property owners).

ATTACHMENTS:

1. Staff Report
2. Survey
3. Upward Road Planning District Map
4. Comparison between C-3 and CHMU Uses
5. Ordinance
6. Proposed Zoning Map
7. Application
8. CHMU Directing Staff 10-12-02 City Council Minutes
9. Creating CHMU 11-03-03 City Council Minutes

0 South Allen Road (PIN 9588-22-1126) Zoning Map Text Amendment (Rezoning) P21-60-RZO

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

Applicant: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

Property Owner: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

Property Address: 0 South Allen Road

Project Acreage: 17.13 Acres

Parcel Identification Number(s): 9588-22-1126

Current Parcel Zoning: Henderson County Office Institutional

SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

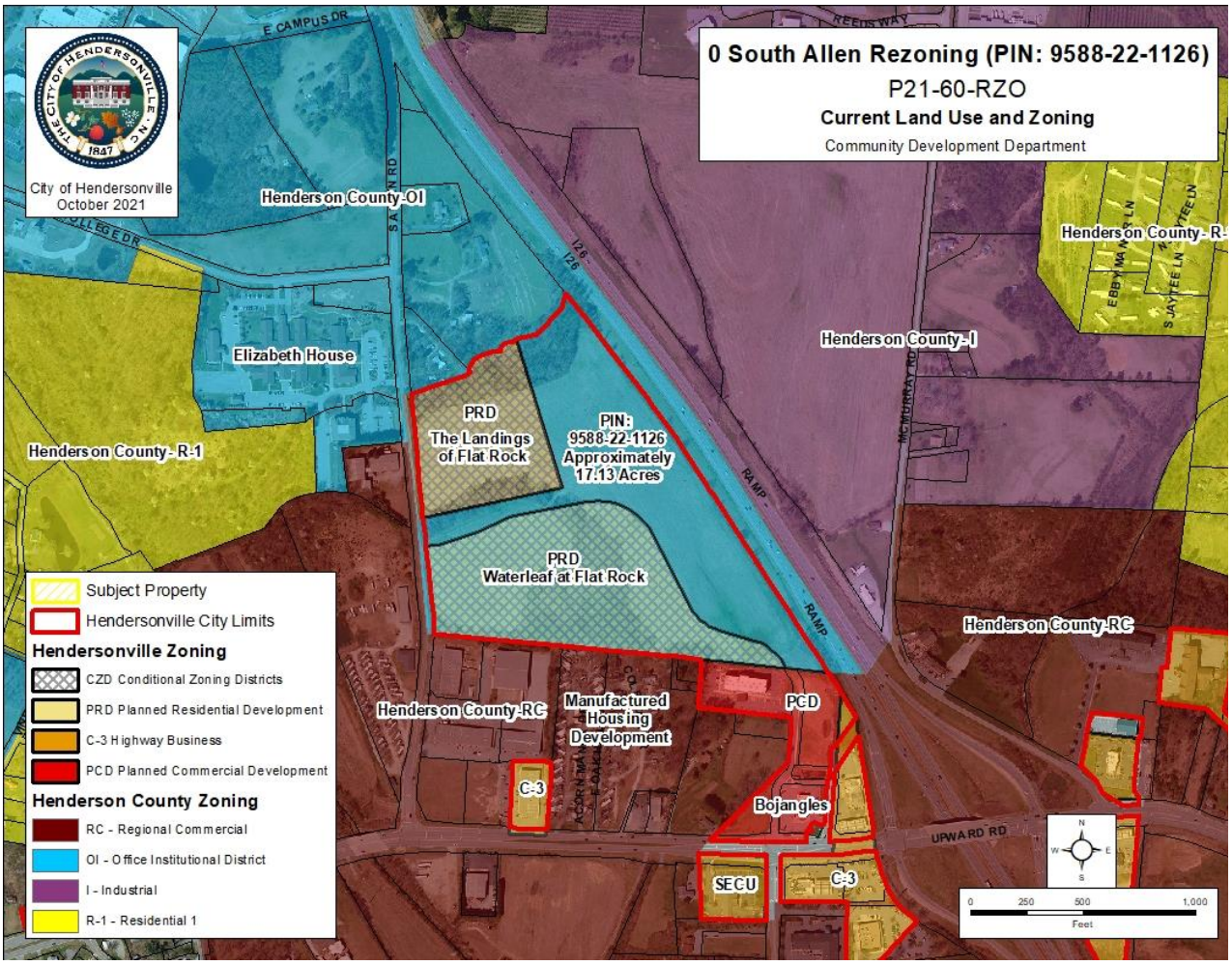
The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (property owners). The applicants are requesting initial zoning from the City of Hendersonville for C-3, Highway Business District. The subject property, PIN 9588-22-1126 is located on S. Allen Road. The subject property is approximately 17.13 acres.

This property was annexed into the City of Hendersonville on September 2nd, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it.

The applicant is requesting that the parcel be zoned C-3 Highway Business.

Staff's analysis and a comparison between CHMU and C-3 can be found later in the staff report.

PROJECT SUMMARY - CONTINUED



The subject property and parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Rd and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3 Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as Holiday Inn Express, Bojangles, and State Employees Credit Union. To the east, the subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock and Waterleaf at Flat Rock. The Landings of Flat Rock is a proposed development for a 153-bed facility with a mix of assisted living and independent living for seniors. The Waterleaf at Flat Rock is a proposed 263-unit apartment complex. Both of these projects establish the transitioning intensity from commercial uses along Upward Rd to multi-family extending up S. Allen Rd.

SITE CONDITIONS – SITE IMAGES

Facing North – View of tree line found along northern portion of the subject property

SITE CONDITIONS – SITE IMAGES

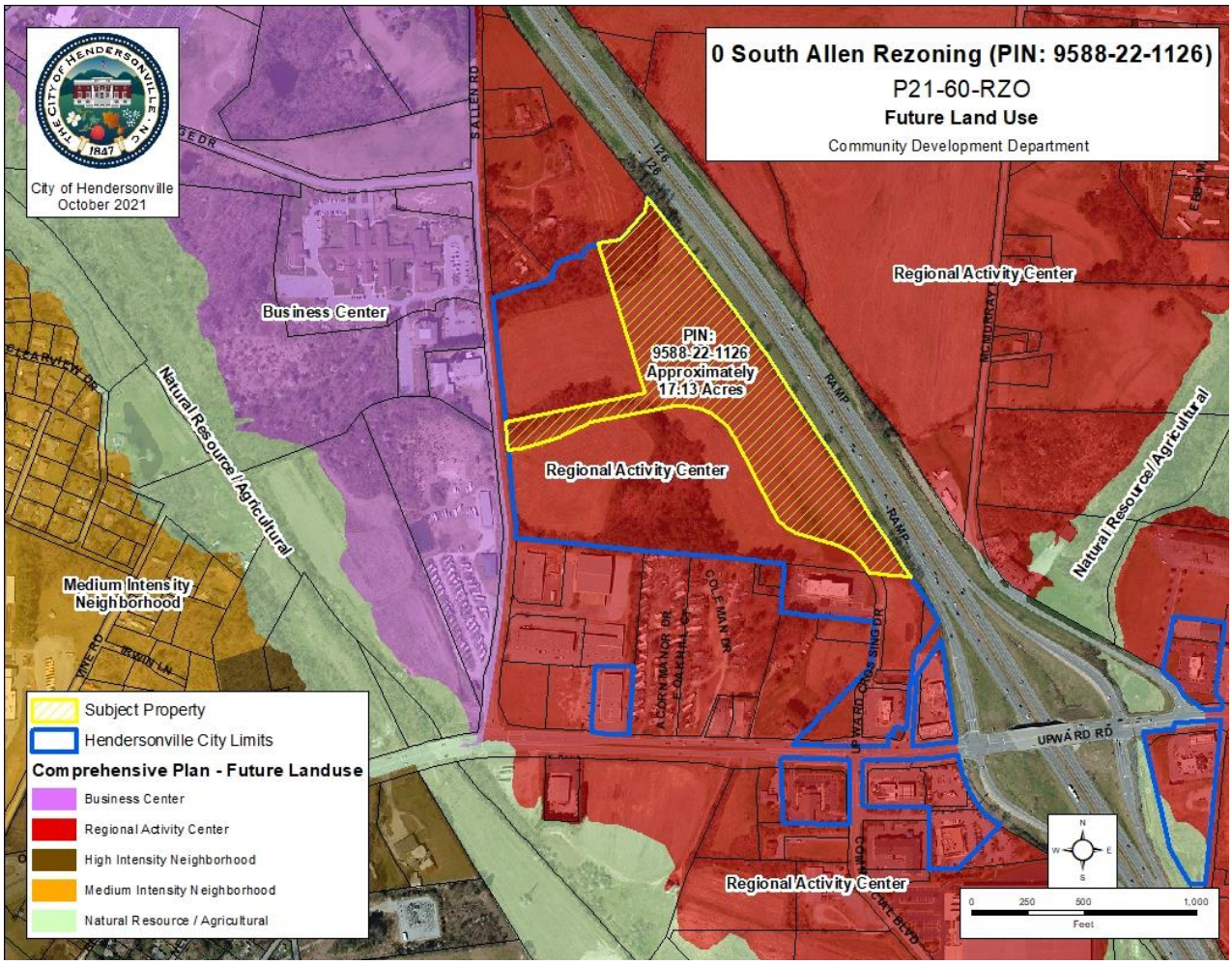
Facing South – I-26 to the east with Holiday Inn Express along Upward Crossing Rd visible to the south.

AERIAL PHOTOS

View from the north

View from the South

REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are also designated Regional Activity Center. This future land use designation is specifically concentrated in this area due to its proximity to I-26 and is intended to for community & regional retail sales and services, restaurants, multi-family residential and offices.

The parcels to the west of S. Allen Rd are designated as Business Center. This land use designation, which calls for employment centers developed in a campus-like environment, is present at this location due to the large undeveloped tracts in close proximity to I-26, the existing presence of Blue Ridge Community College, and the fact that it is naturally buffered from existing residential uses by the floodplain of Bat Fork Creek.

Goal LU-9.

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

Strategy LU-9.1.

Locations:

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

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

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

Strategy LU-9.4.

Development guidelines:

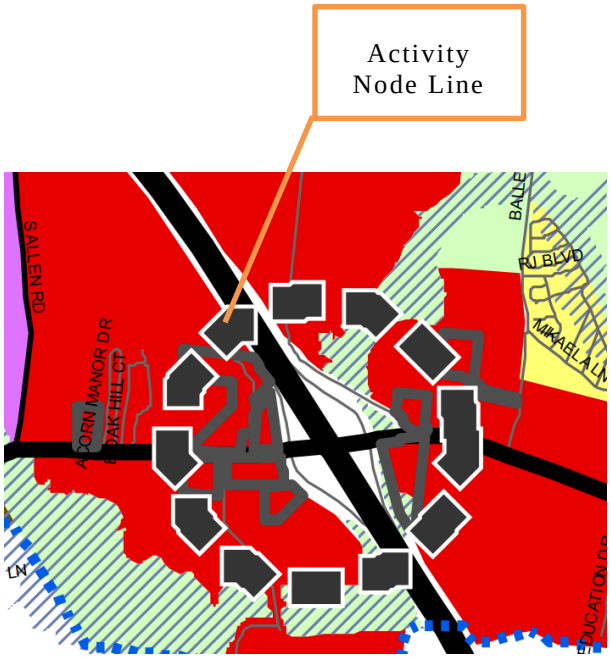
- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures
- Provision of pedestrian connections to parking and other buildings and properties

Example of a Regional Activity Center

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

Activity Nodes:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods



COMPREHENSIVE PLAN CONSISTENCY–CONTINUE

Growth Management

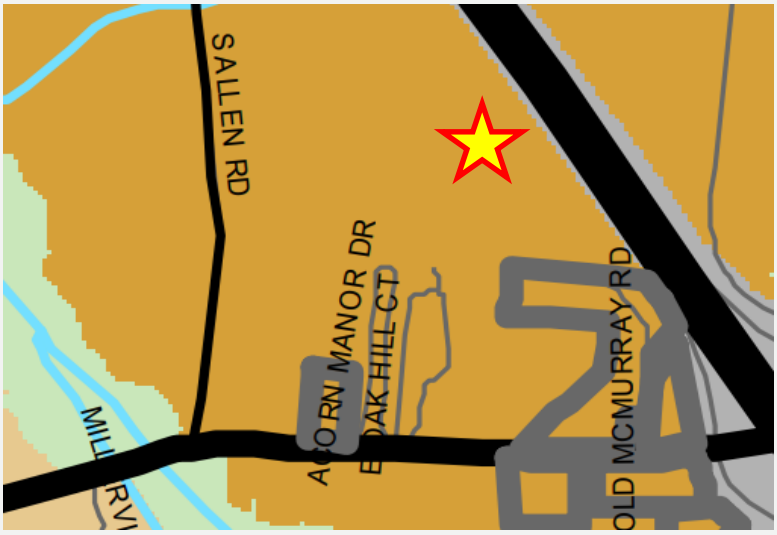
Priority Growth Areas (orange):

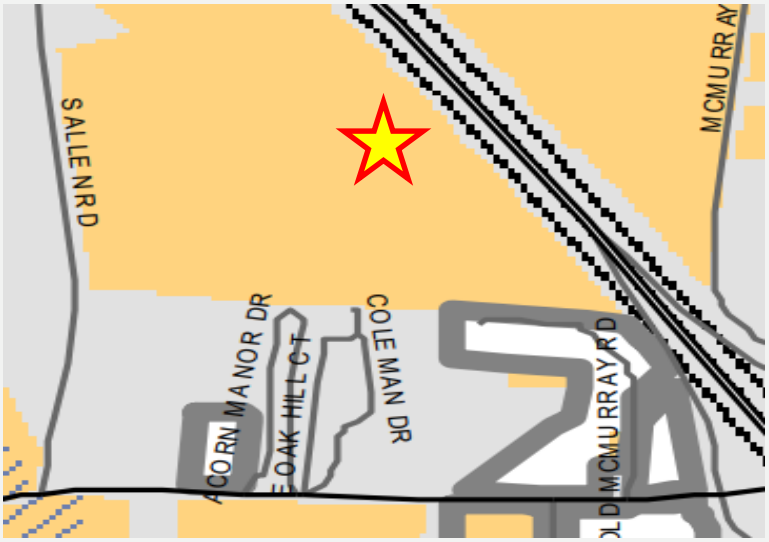
Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

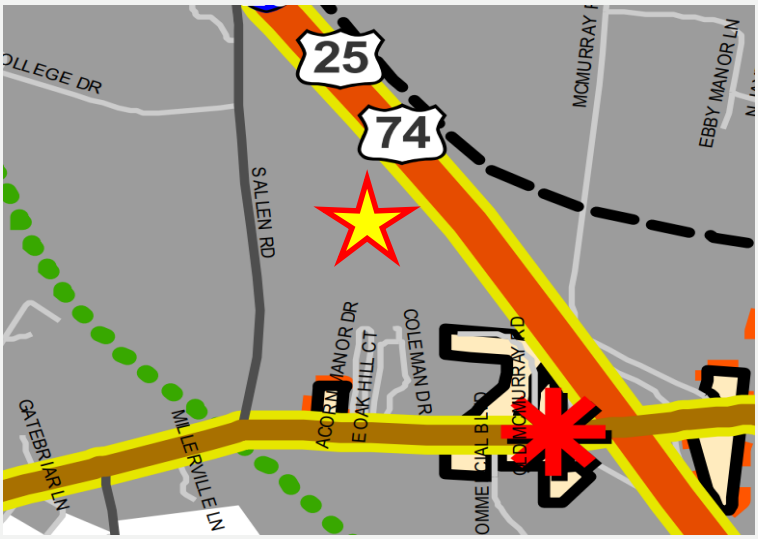
Development Opportunities (includes vacant land, agricultural land, and single-family residential properties greater than five acres)

Road Designations

- Freeway
- Boulevard
- Major Thoroughfare
- Minor Thoroughfare
- Proposed Improvement
- Local Street







STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

ZONING COMPLIANCE:

The C-3, Highway Business District, has been proposed by the applicant. This zoning district is specifically designed to accommodate local and pass-through automobile trips to a wide range of commercial uses such as: Car Washes, Car Dealerships, Body Shops, Gas Stations, Driving Ranges, Hotels & Motels, Personal Service, Retail Stores, Wholesale Businesses, and Single-family / Two-family residential uses. A full list of permitted uses is provided in the appendix along with a comparison of uses found in the CHMU, Commercial Highway Mixed Use District.

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

Those options were:

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

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

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

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

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

C-3 and CHMU Permitted Uses Comparison Table

Use Type	Allowed in Both	Allowed in C-3 Only	Allowed in CHMU Only
Permitted Uses	47	11	13
Special Uses	2	5	0

*A full list of use comparisons is included in the packet.

One of the largest differences between the two districts is that CHMU permits for Multi-Family residential uses by-right, while C-3 does not permit high density residential uses. Given that this location could be ideal for mixed-use, the ability to allow for multi-family condominiums or apartments as part of a mixed-use development is important to consider and offers flexibility to current and future property owners.

The other, most critical, difference between the C-3 and CHMU is the design standards that are included in the Commercial Highway Mix Use District. C-3 does not have any type of design or architectural standards, only conventional dimensional standards. These generally result in buildings setback far from the road with large parking lots between the street and the building.

Some of the design standards that are included in CHMU are:

- Building Orientation
- Building Façade Details
- Building Scale
- Building Materials
- Building Offsets

This is not an exhaustive list of the design requirements in CHMU; but provides a glimpse of the type of architectural considerations that are addressed.

COMPREHENSIVE PLAN CONSISTENCY:

The property is designated as Regional Activity Center on the City's Future Land Use map. The goal of this designation is to "Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects." Both C-3 and CHMU provide the framework to allow this parcel to meet the large-scale retail needs of Hendersonville residents. However, where the two differ is in regard to "mixed-use, walkable design". C-3 does not permit mixed-use development due to multi-family not being a permitted use. CHMU allows multi-family by right – thus providing the opportunity to incorporate residential uses with commercial uses and achieving the vision for the Regional Activity Center. Additionally, the standards to encourage walkable design are integrated into the CHMU district design standards while C-3 has no design standards.

Furthermore, one of the development guidelines for the Regional Activity Center future land use designation is the "Mitigation of bulk of large buildings through façade detailing and window coverage". This strategic vision is directly addressed in the CHMU district design standards by requiring additional requirements for windows and building façade.

Some of these standards include:

- Front, rear and side façades of buildings shall contain at least two building materials

which shall contrast in color and texture. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.

- Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

The subject property appears to be partially in an activity node. In the Comprehensive Plan Activity Nodes are areas of emphasis and additional regulations due to their visibility and future importance. A portion of this parcel is included in an activity node and the remainder is adjacent to the node. The additional standards are important to this parcel due to its high visibility from Interstate 26 and developability in the future. The additional standards for activity nodes are:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
    - Mixed Use Residential Development
        - C-3: No
        - CHMU: Yes
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
    - Setbacks:
        - C-3:
            - 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use con- forms to the established setback requirements.)
            - Side: 15
            - Rear: 20
        - CHMU (for multi-family with commercial on 1st floor):
            - Front: 10 feet
            - Sides: 15 feet plus 5 feet for each floor above 2.
            - Rear: 15 feet plus 5 feet for each floor above 2.
- Location of all parking to the side or rear of buildings or in a garage encouraged
    - Parking Requirements
        - C-3: None
        - CHMU (for multi-family with commercial on 1st floor):
            - Off-street parking shall be located in the rear or side yard only and shall be screened from view from public roadways. On-street parking is encouraged for private streets and drives.
- Improved pedestrian connections to surrounding neighborhoods
    - Common open space
        - C-3: Common open space for non-residential developments shall be

used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas. Sidewalks would be required along property frontages.

- CHMU: Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects. Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Sidewalks would be required along property frontages.

CRITERIA FOR ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following criteria are to be considered as part of the decision-making process. Bullet points under each factor provides general information as well a comparison between the C-3 and CHMU zoning districts.

Compatibility with Surrounding Uses

- The subject property abuts two recently approved Planned Residential Developments. One of the developments is a Congregate care facility (The Landings of Flat Rock) and the other PRD is a multi-family development (Waterleaf at Flat Rock). The summary details for these projects are found under the current land use map above. There is also a small portion of an existing Planned Commercial Development to the south of this property.
- C-3: Given the proximity to and visibility from I-26, intense highway commercial uses are likely to want to locate on the subject property. However, the subject property is not directly adjacent to a major thoroughfare and given the recent approval of residential uses adjacent to this site, the intensity of development afforded by the C-3 would be incompatible with the surrounding land uses.
- CHMU: Staff believes that CHMU provides standards that provide greater assurances that a commercial or mixed-use development will be compatible with surrounding commercial and residential uses.

Changed Conditions

- The City is zoning this property since it was annexed into the City on September 2nd, 2021.
- The most apparent change in conditions in this area is the two recent rezonings mentioned previously along with the extension of sewer and associated increase in traffic that will be a result of these approved developments.
- C-3: How the C-3 zoning district would relate to these recent changes in conditions is covered in the previous section.

- CHMU: How the CHMU zoning district would better relate to these recent change in conditions is covered in the previous section.

Public Interest

- C-3: This zoning district is in the public interest because it affords the development of commercial uses which have higher rates of tax revenue.
- CHMU: This zoning district classification is equally in the public interest due to potential tax revenue, however it furthers the public interest because it provides an opportunity for commercial or mixed-use development that will be visually appealing from I-26 and it will better foster development along the Upward Road Corridor. Additionally, the development standards related to walkability are also in the public interest.

Public Facilities

- The property is already annexed into the city and will receive City services. Water and sewer will be extended to this property as a part of the two approved PRDs.
- C-3: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.
- CHMU: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.

Effect on the Natural Environment

- The lot is already mostly cleared and used for agricultural purposes. Depending on land disturbance on the site, stormwater control measures may be required for future development.
- C-3: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of more automobile-centric design that could diminish opportunities for walking/biking trips to and within the site.
- CHMU: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of a more walkable design that could increase opportunities for walking/biking trips to and within the site.

Staff Conclusion

Due to a number of factors, including previous Planning Board and Council action, Comprehensive Plan Consistency, compatibility with surrounding land uses and public interest, staff has concluded that CHMU is the most appropriate zoning district to ensure compatibility with current/proposed land uses and to facilitate quality future development

PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

RESERVED

Planning Board Motion

RESERVED

ATTACHMENTS:

1. Staff Report
2. Ordinance
3. Proposed Zoning Map
4. Application

13636

I, KEITH BURNS, REGISTERED LAND SURVEYOR NO. L-5265, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, ☒ OR ☐:

☐ A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

☒ D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

☐ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

9/10/2021

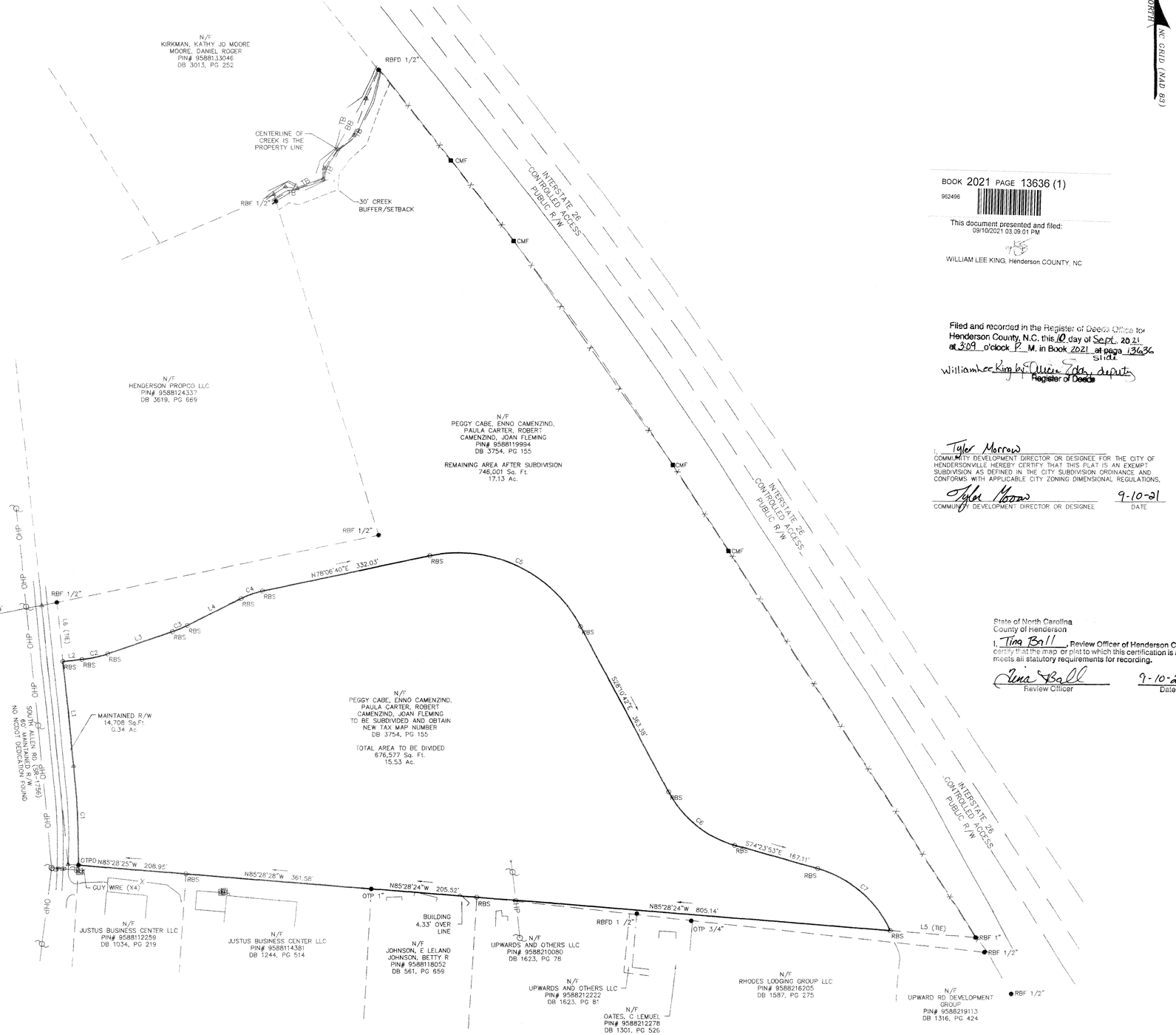
KEITH BURNS
P.L.S. No. L-5265

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM
THE SURVEY:
(1) CLASS OF SURVEY: AA
(2) POSITIONAL ACCURACY: HOR: 0.05, VER: 0.08
(3) TYPE OF GPS FIELD PROCEDURE: REAL TIME KINETIC (RTK)
(4) DATES OF SURVEY: JULY 6, 2021
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED-CONTROL USE: AH 2421
(7) GEOID MODEL: 12A
(8) COMBINED GRID FACTOR(S): 0.99977722
(9) UNITS: US SURVEY FEET

9/10/2021

KEITH BURNS
P.L.S. No. L-5265

GRID TIE
NGS MONUMENT AH 2421
N: 580,803.98
E: 975,106.20
EL: 2101.2
CF: 99977722



LINE TABLE		
LABEL	BEARING	DISTANCE
L1	N06°05'34"W	203.21'
L2	N83°49'49"E	37.33'
L3	N71°03'51"E	132.59'
L4	N83°15'15"E	116.79'
L5	S85°28'24"E	166.41'
L6	N06°05'34"W	115.17'

CURVE TABLE					
LABEL	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	2119.44'	192.96'	192.89'	N02°54'35"W	5°12'59"
C2	230.00'	51.25'	51.14'	N77°26'50"E	12°45'59"
C3	230.00'	31.35'	31.33'	N67°09'33"E	7°48'35"
C4	170.00'	44.08'	43.96'	N70°40'58"E	14°51'25"
C5	270.00'	347.35'	323.89'	S65°02'01"E	73°42'38"
C6	210.00'	169.40'	164.85'	S51°17'18"E	46°13'11"
C7	220.00'	191.13'	185.18'	S49°30'33"E	49°46'40"

100 50 0 100 200
GRAPHIC SCALE

BOOK 2021 PAGE 13636 (1)
962496

This document presented and filed:
09/10/2021 03:09:01 PM

WILLIAM LEE KING, Henderson COUNTY, NC

Filed and recorded in the Register of Deeds Office for Henderson County, N.C. this 10 day of Sept. 2021 at 3:09 o'clock P. M. in Book 2021 at page 13636 Slide
William Lee King by Alicia Zoda, deputy
Register of Deeds

I, Tyler Morrow
COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE FOR THE CITY OF HENDERSONVILLE HEREBY CERTIFY THAT THIS PLAT IS AN EXEMPT SUBDIVISION AS DEFINED IN THE CITY SUBDIVISION ORDINANCE AND CONFORMS WITH APPLICABLE CITY ZONING DIMENSIONAL REGULATIONS.

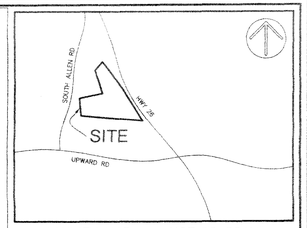
Tyler Morrow — 9-10-21
COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE — DATE

State of North Carolina
County of Henderson

I, Tina Ball, Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Tina Ball — 9-10-2021
Review Officer — Date

Blue Ridge Township



VICINITY MAP NOT TO SCALE

LEGEND

	△	CALC POINT
CMF	■	CONC. MONUMENT FOUND
RBF	●	IRON REBAR FOUND
RBFD	●	IRON REBAR FOUND DISTURBED
OTP	●	OPEN TOP PIPE
RBS	○	IRON REBAR SET
— TB —		TOP OF BANK
— BB —		BOTTOM OF BANK
—X—		FENCE LINE

NOTES

1. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
2. PARCEL LOCATED IN THE CITY OF HENDERSONVILLE.
3. BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83
4. THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800J, DATED OCTOBER 2, 2008
5. DATE OF FIELD SURVEY :07-06-2021
6. OWNER OF RECORD: PEGGY CABE, ENNO CAMENZIND,PAULA CARTER, ROBERT CAMENZIND, JOAN FLEMING
7. TOTAL ACREAGE: 32.66 ACRES, TO SUBDIVIDE 15.32 ACRES
8. 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY
9. NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY
10. EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

REFERENCES

1. MAP BY CLARENCE A. JENKINS, P.L.S. FOR E.S. HUDGENS DATED JULY 9, 2002 (PB 2002, PG 4376)
2. MAP BY WAGGONER & RHODES LAND SURVEYORS, INC. FOR JUSTUS BUSINESS CENTER, LLC. DATED OCTOBER 17, 2006 (PB 2007, PG 647?)
3. MAP BY SURVEY CAROLINA, PLLC FOR NC LLC DATED AUGUST 17, 2020 (PB 2020, PG 12688)

PREPARED FOR:
GRAYCLIFF CAPITAL
AN EXEMPT SUBDIVISION OF
±15.53 ACRE PARCEL BETWEEN SOUTH ALLEN ROAD & INTERSTATE 26
PARCEL ID No. 9588119994
CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA

FIELD WORK:	JWW
FIELD CHECK:	WHG
DRAWN BY:	APD
DATE:	09-10-2021
SCALE:	1"=100'
PROJECT No.:	GSP-21065
FILE:	GSP-21065 TL.DWG
PAGE:	PAGE 1 OF 1

ATLAS SURVEYING, INC.
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980)949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

NORTH CAROLINA PROFESSIONAL CERTIFICATE OF AUTHORITY — ATLAS SURVEYING CLT, P.C. No. C-4370

NORTH CAROLINA PROFESSIONAL SEAL L-5265 LAND SURVEYOR KEITH BURNS

I, KEITH BURNS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

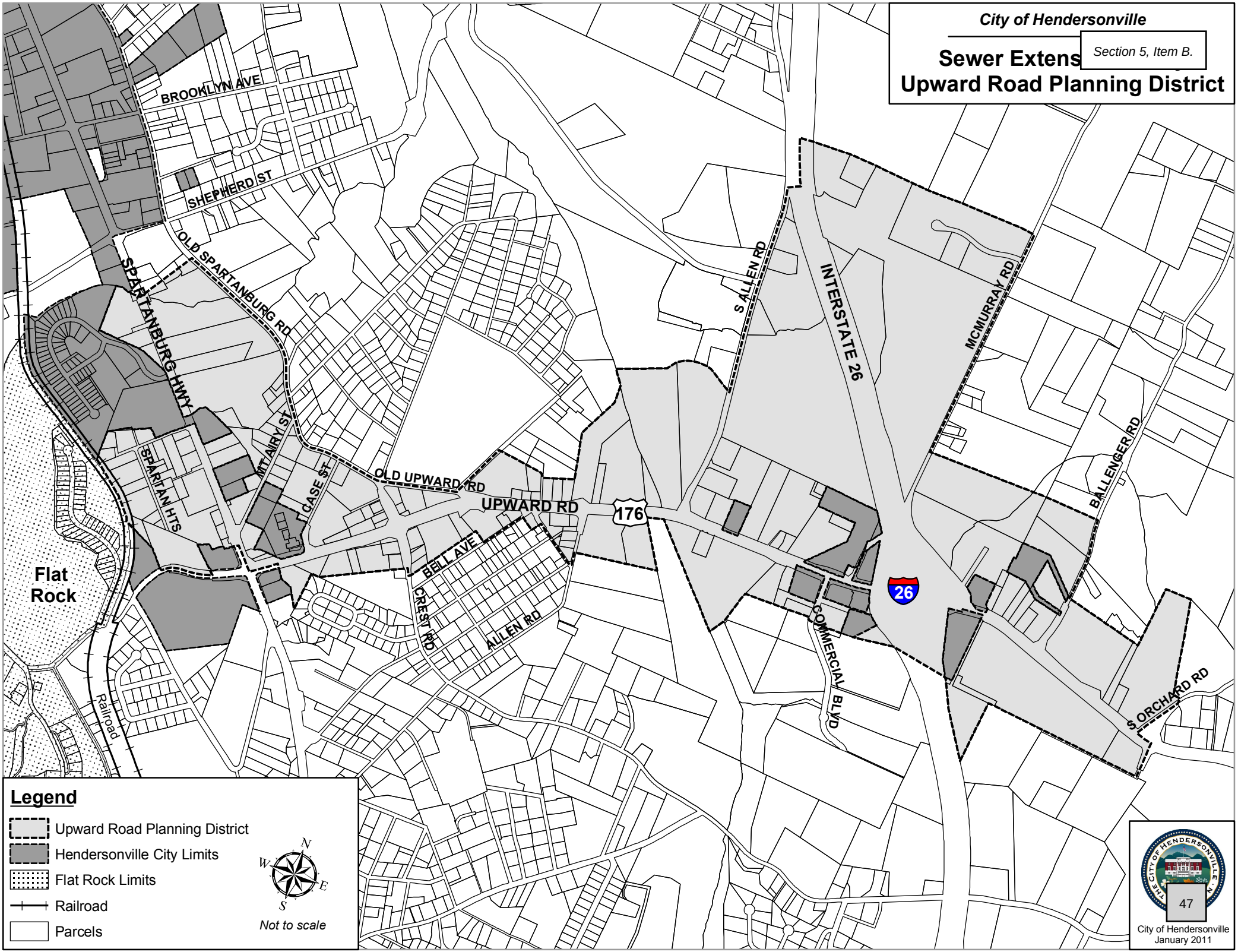
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 10TH DAY OF SEPTEMBER, A.D., 2020.

9/10/2021

KEITH BURNS
P.L.S. No. L-5265

City of Hendersonville

Sewer Extens
Upward Road Planning District



C-3 Uses and CHMU Uses

(Green=allowed in both districts, Red= allowed only in one district)

C-3	CHMU
Permitted Uses: • Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below • Accessory uses & structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Animal hospitals & clinics as long as they contain no outdoor kennels • Automobile car washes • Automobile sales & service establishments • Automotive paint & body work • Banks and other financial institutions • Bed & breakfast facilities • Business services • Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below • Construction trades facilities so long as the storage of equipment and materials is screened from view from any public rights-of-way • Convenience stores with or without gasoline sales • Cultural arts buildings • Dance and fitness facilities • Dry cleaning and laundry establishment containing less than 6,000 square feet of floor area • Farm equipment sales & service • Food pantries, subject to the Supplementary Standards contained in Section, 16-4 below) • Food processing establishments containing less than 10,000 square feet of gross floor area • Funeral homes • Golf driving ranges & par three golf courses • Greenhouses & commercial nurseries	Permitted Uses: • Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below • Accessory uses & structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Adult care homes • Agriculture • Animal hospitals & clinics so long as they contain no outdoor kennels • Automobile car washes • Automobile sales & service • Banks & other financial institutions • Business services • Camps • Child care centers, subject to Supplementary Standards contained in Section 16-4, below • Child care homes • Civic clubs & fraternal organizations, subject to Supplementary Standards contained in Section 16-4 • Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below • Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way • Convenience stores with or without gasoline sales • Cultural arts buildings • Dance, health & fitness facilities • Day care facilities • Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area • Equipment rental & sales • Funeral homes • Greenhouses & commercial nurseries

• Home occupations • Hotels and motels • Laundries, coin-operated • Microbreweries, subject to Supplementary Standards contained in Section 16-4, below • Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below • Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes • Music and art studios • Newspaper offices and printing establishments • Nursing homes subject to Supplementary Standards contained in Section 16-4, below • Offices, business, professional and public • Parking lots and parking garages • Parks • Personal services • Planned residential developments (minor), subject to the requirements of Article VII, below • Progressive care facilities subject to Supplementary Standards contained in Section 16-4, below • Public & semi-public buildings • Recreational facilities, indoors • Recreational facilities, outdoors, commercial • Religious institutions • Repair services, miscellaneous • Residential care facilities • Residential dwellings, single-family • Residential dwellings, two-family • Rest homes subject to Supplementary Standards contained in Section 16-4, below • Restaurants • Restaurants, drive-in • Retail stores • Schools, post-secondary, business, technical and vocational	• Health clubs & athletic facilities • Home occupations • Hotels & motels • Laundries, coin-operated • Lawn & garden centers • Manufacturing, light • Music & art studios • Neighborhood community centers • Newspaper offices & printing establishments • Nursing homes, subject to Supplementary Standards contained in Section 16-4, below • Offices, business, professional and public • Parking lots & parking garages • Parks • Personal services • Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below • Public & semi-public buildings • Recreational facilities, indoors • Recreational facilities, outdoors, commercial • Religious institutions • Repair services, miscellaneous • Research & development with no outdoor storage and operations • Residential care facilities • Residential dwellings, single family • Residential dwellings, multi-family • Residential dwellings, two-family • Restaurants • Restaurants, drive-in • Retail stores • Schools, post-secondary, business, technical and vocational • Schools, primary & secondary • Service stations • Signs, subject to the provisions of Article XIII, below • Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

• Schools, primary & secondary • Service stations • Signs, subject to the provisions of Article XIII • Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below • Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below. • Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below. • Theaters, indoor • Wholesale businesses Special Uses • Animal boarding facilities • Bus stations • Child care centers • Civic clubs & fraternal organizations • Mini-warehouses • Private clubs • Public utility facilities	• Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below • Theaters, indoors Special Uses: • Bus stations • Public utility facilities

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-22-1126 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO CITY OF HENDERSONVILLE C-3 HIGHWAY BUSINESS DISTRICT

IN RE: Parcel Number: 9588-22-1126 0 South Allen Road Rezoning
(File # P21-60-RZO)

WHEREAS, the City is in receipt of a Standard Rezoning application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th, 2021; voting unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 2nd, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9588-22-1126 from Henderson County Office Institutional to City of Hendersonville C-3 Highway Business District

2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of December 2021.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

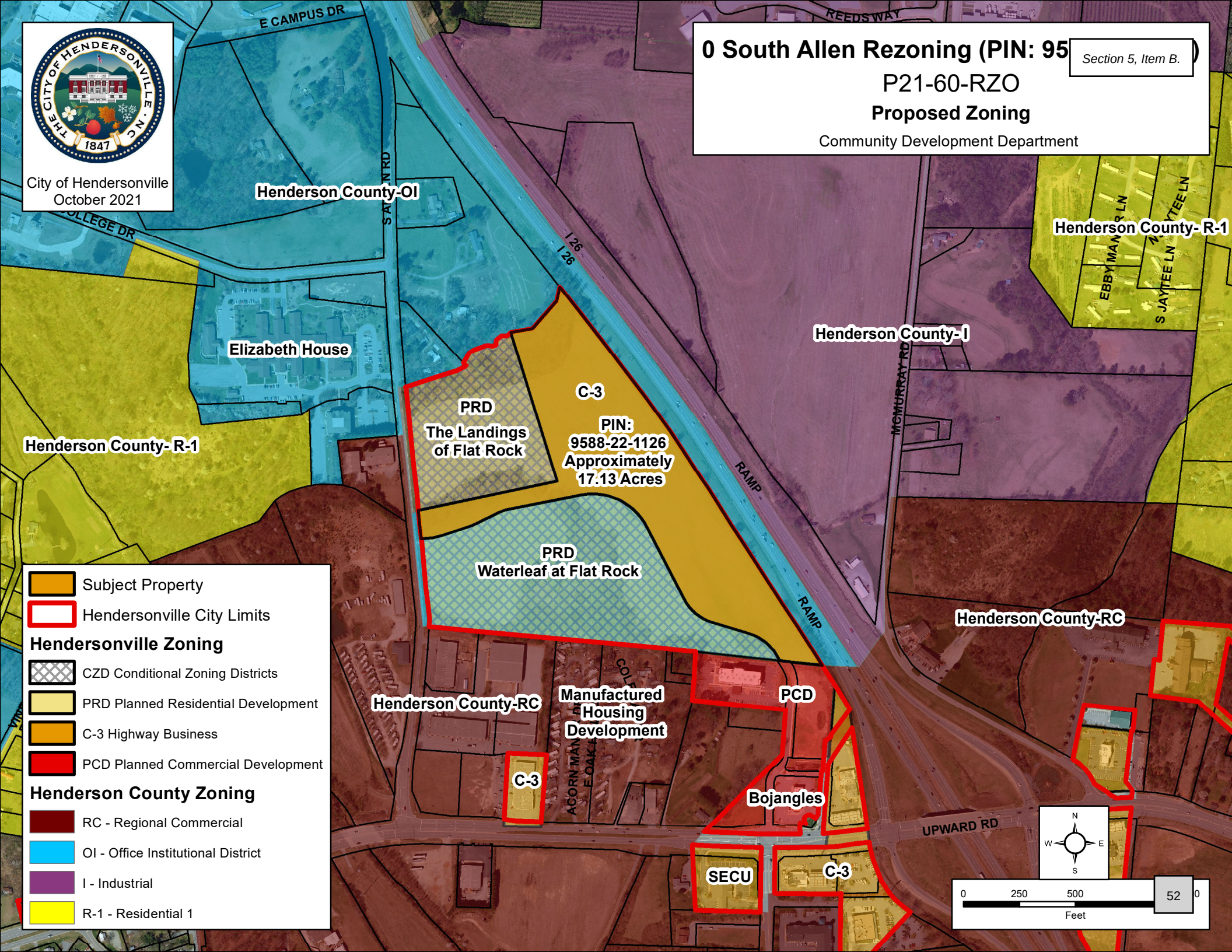
0 South Allen Rezoning (PIN: 95)

P21-60-RZO

Proposed Zoning

Community Development Department

City of Hendersonville
October 2021



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 MAP AMENDMENT

Sections 4-1 and 11-1 of the City Zoning Ordinance

The following are required to constitute a complete application for a zoning map amendment:
~ This form and the property owner(s) signature(s), if applicable.
~ Appropriate fee.
~ A survey and/or metes and bounds description of the property.
Applications for zoning map amendments are due at least 30 days prior to any Planning Board Meeting.

Date	10/7/21	**Address / Location of Property**	0 South Allen Road
Current Zoning	Henderson County OI	**Proposed Zoning**	C-3

List the adjacent property parcel numbers & uses.

PIN or PID #	9588219113	**Adjacent Property Use**	Vacant / Commercial
PIN or PID #	9588118740	**Adjacent Property Use**	Vacant / Multi-Family
PIN or PID #	9588124337	**Adjacent Property Use**	Vacant / Congregate Care
PIN or PID #	9588133046	**Adjacent Property Use**	Residential

Applicant Name	ROBERT O. CAMENZIND, ET AL.
Address	5133 BOYLSTON HIGHWAY, MILLS RIVER, NC 28759

Phone	828-329-2956	Fax		E-mail	HCAMENZIND@RAMSEY-PRATT.COM

Property Owner: Name	ROBERT O. CAMENZIND, ET AL.
Address	5133 BOYLSTON HIGHWAY, MILLS RIVER, NC 28759

PIN or PID # 9588221126

Signature SEE ATTACHED

Printed Name _____

Official Use:
DATE RECEIVED: _____ **BY** _____ **FEE RECEIVED $** _____

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

Land is in a priority growth area proposed as a regional activity center that touches a main highway. Consistent with a commercial rezone.

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.

Surrounding uses are PRD CZD, PCD, Single Family/Agriculture, and a Highway Interstate. With synergy of two surrounding PRDs the future use of land will serve the nearby residents and interstate travelers.

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

Land was recently satellite annexed into the City of Hendersonvile as required by the state of North Carolina.

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 remaining land will offer a great opportunity for commercial highway users to support the underserved communities on the south side of Henderson County.

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.

Land owner proposes to privately extend city utilities and build a city standard road to service the remaining land between Upward Crossing Drive and South Allen Road. The facilities in this immediate area can support the future of commercial development on this site.

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.

Future development will need to be consistent with the water and light management of PRD projects

EXHIBIT "A"

APPLICANTS & PROPERTY OWNERS

10/8/2021
DATE

Robert O. Camenzind
ROBERT O. CAMENZIND

Peggy C. Cabe, by and through her A-I-F, Robert Otto Camenzind
PEGGY C. CABE, **by and through her attorney-in-fact, Robert Otto Camenzind**

Lynda Hill Camenzind, by and through her A-I-F, Robert Otto Camenzind
LYNDA HILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Enno F. Camenzind, by and through his A-I-F, Robert Otto Camenzind
ENNO F. CAMENZIND, **by and through his attorney-in-fact, Robert Otto Camenzind**

Brenda Merrill Camenzind, by and through her A-I-F, Robert Otto Camenzind
BRENDA MERRILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Paula C. Carter, by and through her A-I-F, Robert Otto Camenzind
PAULA C. CARTER, **by and through her attorney-in-fact, Robert Otto Camenzind**

Charles Norman Carter, by and through his A-I-F, Robert Otto Camenzind
CHARLES NORMAN CARTER, **by and through his attorney-in-fact, Robert Otto Camenzind**

Joan C. Fleming, by and through her A-I-F, Robert Otto Camenzind
JOAN C. FLEMING, **by and through her attorney-in-fact, Robert Otto Camenzind**

John Thomas Fleming, by and through his A-I-F, Robert Otto Camenzind
JOHN THOMAS FLEMING, **by and through his attorney-in-fact, Robert Otto Camenzind**

The City Manager reported the Finance Director is evaluating whether it will be more financially advantageous to use fund balance or finance the project and will continue to monitor the financial situation.

Council Member Caraker moved to authorize the city engineer to award the contract for the construction of the Main Street Infrastructure improvements, Phase I Project to Trace and Company, Inc. the lowest responsive and responsible bidder, in the amount of $199,970.80 as presented and recommended by staff. A unanimous vote of the Council followed. Motion carried.

City Manager Ferguson reported work will begin next month. Mayor Volk stated merchants want to know what is going on and asked that the work be done as quickly as possible.

13. Discussion of Next Steps for Upward Road Planning: City Manager Ferguson discussed options that may be available for planning of the Upward Road area following the Henderson County Board of Commissioners' refusal to allow the City to expand the extraterritorial jurisdiction in that area. He presented options the City may consider:

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

Mr. Ferguson asked for Council's direction. Council Member Caraker voiced support of those property owners requesting certain utility service complying with zoning regulations. Council Member Freeman agreed and also voiced support of the developing the new zoning district. Council Member Smith also supported a policy that those requesting sewer service would have to meet zoning requirements of the City and to develop the zoning district. Mayor Pro Tem Collis stated larger developments will have to have water and sewer service and this will not be a hardship for those large developments. He also supported the concept of the CHMU zoning district. He agreed that zoning regulations should apply to those requesting utilities. Mayor Volk agreed.

The Council discussed the possibility of applying the CHMU to the U.S. Highway 25 North area if appropriate. There was discussion about the redevelopment of property with the same owner/different owner that already has water service. The City Manager will research that further. He explained requests will be brought to the Council individually and decisions are guided by the policy. He stated the Council could apply exceptions to the policy.

There was discussion on projects that are developed under Henderson County's requirements which makes it more difficult for property owners who need to request sewer service.

City Manager Ferguson stated staff will continue to participate in the Dana small area plan.

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

14. Consideration of NC Community Conservation Assistance Program (NC DENR Grant): Mr. Tom Wooten, Public Works Director, reported severe erosion was experienced at Patton Park during Hurricane Frances. He stated repairs were made but more is needed to prevent the problem from occurring again. He reported no funding has been available through the State so the plan approved by the City Council in July 2008 for a riparian buffer is idle. He reported there is funding available now through the Community Conservation Assistance Program that will pay up to 75% of the cost to install a natural riparian buffer and other water quality improvement projects. He reported the City has received funding for the following projects:

A. Install a natural riparian buffer along the creek within Patton Park using native trees and shrubs for $4,875 (City's cost: $1,218.75)
B. Purchase and install a pet waste station along the Oklawaha Greenway Trail for $350 (City's cost: $87.50)

Wilmer Gonzales and Gainer Jernigan. The amendment request is for the addition of religious institutions as a permitted use in the I-1 Industrial zoning district classification.

Ms. Anderson reviewed the district purpose and provided an analysis of the classification.

Ms. Anderson reported the Planning Board voted six in favor and two opposed to recommend that City Council adopt an ordinance adding religious institutions as a permitted use in the I-1 Industrial District. She explained this would automatically add them in the Planned Manufactured District also.

Mayor Volk opened the public hearing at 6:31 p.m. in accordance with NCGS by notice published in the Times News. The following spoke:

Gainer Jernigan, representing a church congregation, stated this is a foreclosed property that they want to fix it up to service the congregation. It was previously used as a woodworking shop and is located between residential and the railroad tracks, between N. Main Street and Seventh Avenue.

No one spoke in opposition to the text amendment. The public hearing was closed.

Mayor Pro Tem Collis moved City Council to adopt an ordinance amending the City of Hendersonville Zoning Ordinance, Article V Zoning District Classifications, Section 5-12-1 Permitted Uses, adding religious institutions as a permitted use. A unanimous vote of the Council followed. Motion carried.

Ordinance #11-0310

AN ORDINANCE AMENDING ARTICLE V SECTION 5-12-1 OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE ADDING RELIGIOUS INSTITUTIONS AS A PERMITTED USE IN THE I-1 INDUSTRIAL ZONING DISTRICT CLASSIFICATION

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to permitted uses.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article V Zoning District Classifications, Section 5-12-1 Permitted Uses is hereby amended to include the following permitted use:

   Religious institutions

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this third day of March, 2011.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney

8. Public Hearing - Consideration of Zoning Ordinance Text Amendment: Adding a new Section 5-27 entitled Commercial Highway Mixed Use Zoning District Classification: Ms. Anderson explained while undergoing the process to expand the Extraterritorial Jurisdiction (ETJ) along Upward Road, staff developed a new zoning classification to apply to this area per City Council's direction. The Henderson County Board of Commissioners denied the City's request to expand the ETJ in that area.

Ms. Anderson explained City Council directed staff and the Planning Board to move forward with the new zoning classification. The intent is to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design guidelines for buildings and development sites. She reviewed the proposed district, dimensional requirements, design guidelines, etc. She noted if the guidelines cannot be met, there is an option for the applicant to go through the Alternative Design Review Committee.

Ms. Anderson reported the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance.

Mayor Volk opened the public hearing at 6:38 p.m. in accordance with NCGS by notice published in the Times News. No one expressed a desire to speak. The public hearing was closed.

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

Ordinance #11-0311

AN ORDINANCE ENACTING A NEW SECTION 5-27 COMMERCIAL HIGHWAY MIXED USE ZONING DISTRICT CLASSIFICATION of the Zoning Ordinance OF THE CITY OF HENDERSONVILLE

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to zoning district classifications.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. A new Section 5-27 Commercial Highway Mixed Use Zoning District Classification is hereby enacted to read as follows:

Commercial Highway Mixed Use Zoning District Classification

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification. The Commercial Highway Mixed Use Zoning District Classification is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses. Development design becomes a critical consideration when establishing regional activity centers that create attractive and functional roadway corridors which also encourage mixed-use and walkable design. In addition to the general dimensional and use provisions, the regulations contained herein, along with those in Article XVIII which apply to mixed use zoning district classifications generally, address the design of buildings and development sites.

5-27-1 Permitted Uses. The following uses are permitted by right in the CHMU Commercial Highway Mixed Use Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units subject to special requirements contained in Section 16-4, below
Accessory uses & structures
Adult care centers registered with the NC Department of Human Resources
Adult care homes
Agriculture
Animal hospitals & clinics so long as they contain no outdoor kennels
Automobile car washes
Automobile sales & service
Banks & other financial institutions
Business services
Camps
Child care centers, subject to special requirements contained in Section 16-4, below
Child care homes
Civic clubs & fraternal organizations, subject to special requirements contained in Section 16-4, below
Congregate care facilities, subject to special requirements contained in Section 16-4, below
Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way
Convenience stores with or without gasoline sales
Cultural arts buildings
Dance, health & fitness facilities
Day care facilities
Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area
Equipment rental & sales

Funeral homes
Greenhouses & commercial nurseries
Health clubs & athletic facilities
Home occupations
Hotels & motels
Laundries, coin-operated
Lawn & garden centers
Manufacturing, light
Music & art studios
Neighborhood community centers
Newspaper offices & printing establishments
Nursing homes, subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots & parking garages
Parks
Personal services
Progressive care facilities, subject to special requirements contained in Section 16-4, below
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors, commercial
Religious institutions
Repair services, miscellaneous
Research & development with no outdoor storage and operations
Residential care facilities
Residential dwellings, single family
Residential dwellings, multi-family
Residential dwellings, two-family
Restaurants
Restaurants, drive-in
Retail stores (not including manufactured housing, boat & heavy equipment sales)
Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII, below
Telecommunications antennas, subject to special requirements contained in Section 16-4, below
Theaters, indoors

5-27-2 Conditional Uses. The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Zoning District Classification only upon issuance of a conditional use permit pursuant to Article X and shall be subject to special requirements contained in Section 16-4, below:

Bus stations
Public utility facilities

5-27-3 Special Uses. Within the CHMU Commercial Highway Mixed Use Zoning District Classification, the following uses may only be authorized by issuance of a special use permit and shall be processed under special use review in accordance with Section 7-4 of the Zoning Ordinance. Such development shall not require rezoning of the property to a special use or planned development district.

Development or redevelopment exceeding 50,000 square feet of gross floor area.
Telecommunications towers, subject to special requirements contained in Section 16-4, below.

5-27-4 Development Standards. The following standards shall apply to development within the CHMU Commercial Highway Mixed Use Zoning District Classification.

5-27-4.1 Parking & Loading. The requirements of Section 6-5, below, shall apply.

5-27-4.2 Dimensional Requirements.
Minimum Lot Area in Square Feet: None
Minimum Lot Width: None
Open Space Ratio: ≥.30
Common Space Ratio: ≥.10
Yard Requirements: Varies with building type. See Design Standards.
Building Separation: If buildings are separated, they must be separated by at least 15 feet. This provision shall not be construed to qualify any setback provisions contained elsewhere in this ordinance.
Building Height: Varies with building type. See Design Standards.

5-27-4.3 Residential Density. The number of residential dwellings permitted on any development tract varies with regard to the open space ratio provided as noted on the following table.

Open Space Ratio	Maximum Dwelling Units / Acre
.40	8
.50	10
.60	12

5-27-5 Design Standards. These standards are intended to apply to all development and redevelopment within the CHMU Commercial Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district shall demonstrate compliance with

these standards or shall undergo alternative design review as provided for in Article XVIII, below.

5-27-5.1 Standards of General Applicability. The following standards shall apply to all development in the CHMU Commercial Highway Mixed Use Zoning District Classification regardless of use or building type.

5-27-5.1.1 General Site Development. Site development shall not result in the removal of lateral support for adjoining properties. Furthermore, development shall not create hazardous or dangerous conditions or result in the creation of a nuisance as specified in Section 6-13, below.

5-27-5.1.2 Physical Integration of Uses. Residential and commercial uses may be located within the same or adjoining structures provided appropriate health and safety regulations are followed.

5-27-5.1.3 Building Orientation. Primary façades, which may or may not contain an entrance to the building, shall face primary vehicular access or significant public space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street.

5-27-5.1.4 Common Space. Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects.

Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Unless interior common space is approved by the reviewing authority, common space shall be out-of-doors. Common space design shall comply with the following:

a) Size. At least ten percent of the acreage of a site shall be devoted to common space. Common space shall count toward meeting open space requirements for a project.

b) Trees. One tree shall be planted for each 1000 square feet of common space. Trees shall have a minimum caliper of 3-3½ inches measured six inches above ground at the time of planting.

c) Utilities. All utilities service lines and connections shall be underground.

d) Seating. Seating shall be provided to accommodate workers, residents and/or shoppers. Seating may be accomplished in whole or in part using planters or other similar structures.

e) Amenities. Common space for a development shall contain adequate amenities to animate and enliven the environment and to make it conducive for social interaction. Following is a list of such amenities: ornamental fountains, stairways, waterfalls, public art, arbors, trellises, planted beds, drinking fountains, clock pedestals, awnings, canopies, informational kiosks, and similar structures. This list is not intended to be exhaustive.

5-27-5.1.5 Architectural Details. The appearance of all streetside façades is important and shall be addressed in development design. Architectural elements like openings, sill details, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

All buildings shall provide detailed design along all façades which are visible from a street or common space. Detailed design shall be provided by using at least three of the following architectural features.
Dormers.
Gables.
Recessed entries.
Covered porch, entries.
Cupolas or towers.
Pillars or posts.
Eaves (minimum 6-inch projection).
Off-sets in building face or roof.
Window trim (minimum nominal four inches wide).
Bay windows.
Balconies.
Decorative patterns on exterior finish (e.g. scales / shingles, wainscoting, ornamentation).
Decorative cornices and roof lines (for flat roofs).

5-27-5.1.6 Building Façades. Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.

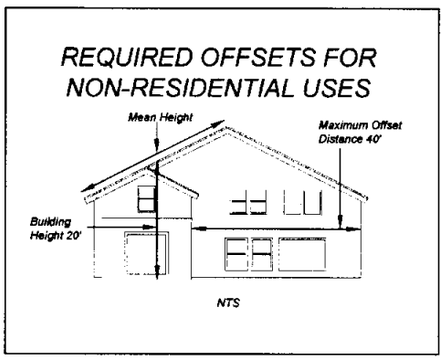
5-27-5.1.7 Windows. Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

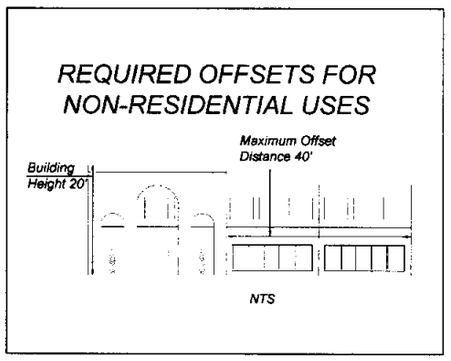
5-27-5.1.8 Building Scale. The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute

to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets, that is, protrusions or breaks in the plane of façades.

a) Scale, Buildings Containing Nonresidential Uses. The following requirements apply to any building containing nonresidential uses, regardless whether the building also contains residential uses:

1) The distance between required offsets is related to the height of the building wall on a two-to-one basis. A building façade which is less than or equal to the height of the building shall not require an offset.





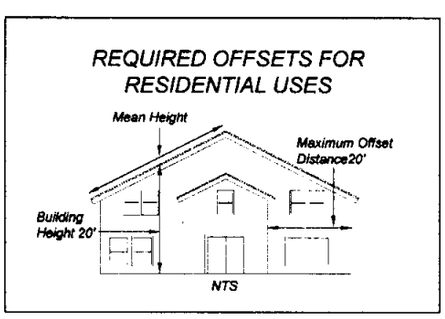
2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or for flat roofs, to the top of the parapet.

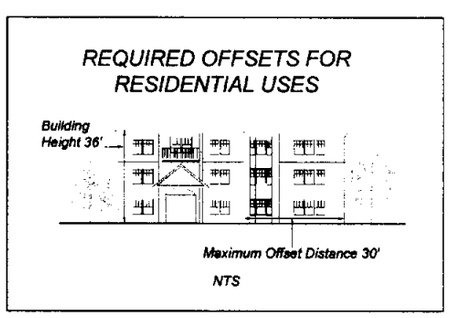
3) The depth or projection of the offset shall be 1/10th the length of the longest adjacent wall panel; provided, however, the minimum offset depth shall be one foot. By means of illustration, a building with a 20-foot wall panel shall have a two-foot offset adjacent to such wall panel.

4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.

b) Scale, Buildings Containing Only Residential Uses. The following requirements apply to any building containing only residential uses:

1) The distance between required offsets shall be related to the height of the building on a one-to-one basis; provided, however, no wall shall exceed 30 feet in length without an offset. A building façade which is less than or equal to the height of the building shall not require an offset. Provided, however, the provisions of this paragraph shall not be construed to require an offset for that portion of a façade containing a two-car garage.





2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or, for flat roofs, to the top of the parapet.

3) Offsets shall have a minimum depth or projection of two feet regardless of the length of adjacent wall façades.

4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.

5-27-5.1.9 Streets and Sidewalks. Streets and sidewalks shall comply with the circulation and access requirements contained in Section 18-6-4.6, below.

5-27-5.1.10 Building Materials. Building materials shall be used consistently on the exterior of the building and shall comply with the lists of prohibited materials contained herein.

Prohibited Building Materials. Unless authorized through alternative design compliance, the following building materials shall be prohibited within the CHMU Commercial Highway Mixed Use Zoning District Classification: plain concrete block (with or without paint); corrugated or ribbed metal siding; reflective glass; more than 50% glass on any façade; roll roofing; roll siding; plain unfinished concrete (painting does not constitute a finish); aluminum; unpainted metal; exposed plain pipe columns; metal wall siding; and any other materials not customarily used in conventional construction.

5-27-5.1.11 Certain Exemptions for Single-Family and Two-Family Detached Dwellings. Detached single-family and two-family dwellings shall be exempt from the requirements contained in Sections 5-27-5.1.4 (common space) and 5-27-5.1.8 (building scale).

5-27-5.2 General Standards for Residential Developments. The following standards shall apply to developments containing only residential uses with the exception that multi-family buildings must comply with the general standards contained in Section 5-27-5.3, below.

5-27-5.2.1 General Appearance. Residential development shall contain a variation of façades and materials so that there shall not be a row or strip housing appearance. Means to accomplish this goal may include the use of dormers, gables, recessed entries, covered porch entries, bay windows, cupolas or towers, and a variation in the depth and height of walls, among others.

5-27-5.2.2 Architectural.

a) Useable porches and/or stoops, at least eight feet in width, shall be located on the front and/or side of the home.

b) Front-loading garages and carports shall be offset from the front façade of the house and visually designed to form a secondary building volume. Developers are encouraged to turn garages and carports so the openings or doors are not visible from the street. At no time shall the width of an attached garage exceed 50% of the total building façade.

c) Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.

d) Walls and fences located in the front yard shall be decorative and limited in height to no more than four feet above grade. Front-yard walls shall be of brick, stone or stucco. Front yard fences shall be wood, wrought iron or materials similar in appearance and durability. Side and rear yard fences may be chain link, wood, wrought iron, or similar material.

5-27-5.2.3 Configurations.

a) Main roofs on residential buildings shall be gables, hips or clerestory with a pitch between 5:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to a wall of the main building.

b) Foundation walls (except those under porches) shall be finished with brick, stucco or stone. If crawlspaces of porches are enclosed, they shall be enclosed with brick, stone, and lattice or any combination thereof.

5-27-5.3 General Standards for Nonresidential and Multi-Family Buildings. The following standards shall apply to all buildings containing nonresidential uses and multi-family dwellings.

5-27-5.3.1 Storage, Utility & Service Areas. Areas devoted to storage, garbage, recycling collection and utilities shall be enclosed and screened around their perimeter, and constructed of materials consistent with the principal building. Gas meters, electric meters, ground-mounted mechanical units, and any other similar structures shall be hidden from public view or screened with approved construction materials. Fences designed for screening shall be constructed of brick, stone, architectural stucco, concrete, wood or iron. Roof vents, mechanical units, utility equipment and telecommunication receiving devices located on the roof shall be screened from view. Solar technology components including solar panels and solar thermal collectors are exempt from this provision.

5-27-5.3.2 Parking & Vehicular Access. All vehicular use areas shall be set back a minimum of 20 feet from the right-of-way line of public right-of-way and shall be screened from view from such rights-of-way in accordance with Article XV, below.

5-27-5.3.3 Encroachments. Balconies, stoops, chimneys and bay windows are permitted to encroach into any setback up to five feet.

5-27-5.3.4 Roofs. Parapets and decorative cornices are required for buildings with a flat roof. Eaves shall be provided with a pitched roof.

5-27-5.4 Specific Standards for Single-Family and Two-Family Detached Dwellings.

Minimum Setbacks:

Front:	15 feet
Sides:	20% of lot width. The entire setback may be allocated to one side.
Rear:	10 feet
Minimum Lot Width:	50 feet
Maximum Height:	2 ½ stories.
Encroachments:	Balconies, stoops, stairs, chimneys, open porches, bay windows, roof

overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet.

Accessory Structures
Side/Rear Setback: 3 feet

5-27-5.5 Specific Standards for Townhouses. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit.

Minimum Setbacks:	
Front:	8 feet
Sides:	0 feet (Corner 8 feet). Buildings within a development must be separated by a minimum of 15 feet
Rear:	15 feet from centerline of alley, if applicable.
Minimum Lot Width:	16 feet
Maximum Height:	3 stories.
Encroachments:	Balconies, stoops, stairs, chimneys, open porches, bay windows, roof overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet. Upper story balconies may encroach into the right-of-way up to five feet with permission from the City.
Accessory Structures:	3 feet
Side / Rear Setback:	0 feet
Maximum Footprint:	400 square feet
Maximum No. of Structures:	1

5-27-5.6 Specific Standards for Multi-Family Dwellings. Multi-family dwelling consists of three or more dwelling units vertically and/or horizontally arranged. The ground floor may be available for commercial uses.

Minimum Setbacks:	
Front:	10 feet
Sides:	15 feet plus 5 feet for each floor above 2.
Rear:	15 feet plus 5 feet for each floor above 2.
Parking:	Off-street parking shall be located in the rear or side yard only and shall be screened from view from public roadways. On-street parking is encouraged for private streets and drives.
Vehicular Access:	Primary vehicular access from public roads shall be accomplished by means of a rear lane or alley only. No curb cuts or driveways are permitted along the frontage except for vehicular access to rear parking. These limitations shall not apply to parcels or buildings where primary vehicular access is by means of a private street or drive.
Maximum Height:	4 stories.
Encroachments:	Balconies, stoops, stairs, chimneys, open porches, bay windows, roof overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet. Upper story balconies may encroach into the right-of-way up to five feet with permission from the City.
Accessory Structures:	
Side / Rear Setback:	0 feet.
Maximum Footprint:	400 square feet.

5-27-5.7 Specific Standards for Commercial & Institutional Buildings. Commercial buildings are structures which can accommodate a variety of uses mixed either horizontally (shopping center) or vertically (dwelling unit over a store). Office buildings, hotels and inns can be placed in commercial buildings. Buildings containing both commercial and residential uses shall be classified as commercial buildings for the purposes of this section. Institutional buildings are specialized public or semi-public buildings intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, hospitals, post offices, and nonprofit or charitable clubs and organizations. Note there are exceptions from the maximum height restrictions for steeples, cupolas and similar structures. These are contained in Section 8-2, below.

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

Section 5-27S CHMUSU Commercial Highway Mixed Use Special Use Zoning District Classification. The purpose and requirements of this classification are identical to the CHMU Commercial Highway Mixed Use Zoning District Classification except that a special use permit, as provided for in Article VII herein, is required as a prerequisite to any use or development.

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this third day of March, 2011.
/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney

9. Consideration of an Ordinance Amending Chapter 10 of the Code of Ordinances to Restrict the Tethering of Domestic Animals within the Enforcement Jurisdiction of the City of Hendersonville: Mr. Ferguson presented a draft ordinance as directed by the City Council with changes to further govern and restrict the tethering of animals in the City. He stated these amendments were based on elements of the City of Charlotte's recently-adopted ordinance. He stated the Police are prepared to implement the changes if adopted by the Council. He requested a delayed effective date if the changes are adopted so all officers may be adequately trained.

Mr. Ferguson reviewed the amendments and asked for Council's input on each. Mayor Pro Tem Collis asked for an amendment requiring adequate water be available at all times instead of suitable intervals. The Council agreed by consensus. Regarding the weight of the tether, Mr. Ferguson explained officers will not have the equipment to weigh the dog and/or chain but enables the officer to make judgment calls and if disputed, equipment may be used.

Mr. Ferguson reviewed a revision allowing an animal control officer to order more restrictive tethering requirements if circumstances require.

Council Member Caraker reported the Animal Services Board will be considering tethering issues at their next meeting so there is consistency between the ordinances. Mayor Pro Tem Collis commented on the many e-mails in support of banning tethering that he received from areas such as Greensboro and Raleigh. He voiced support of the proposed amendments stating it addresses problems in Hendersonville. He stated he does not plan to adopt the same ordinance as Buncombe County. He stated the City can work with Henderson County to address concerns. Council Member Caraker also voiced support of the amendments stating this is a step in the right direction but may require amendments but it will help provide consistency between the County and the City, provided an exchange of education and cooperation. He stated the Council has made great steps in improving the lives of animals. Council Member Freeman commented he has neighbors who are responsible pet owners who tether their dogs without any problems. He also voiced support of the amendments.

Council Member Smith moved to amend the Code of Ordinances pertaining to the tethering of animals in the City of Hendersonville, as presented by staff, with the following amendments: 10. An animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of the domestic animal. Under Definitions: Adequate water shall mean the ready availability to the domestic animal at all times of clean, fresh water. The effective date of the ordinance is April 4, 2011. A unanimous vote of the Council followed. Motion carried.

Ordinance #11-0312

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO RESTRICT THE TETHERING OF DOMESTIC ANIMALS WITHIN THE ENFORCEMENT JURISDICTION OF THE CITY OF HENDERSONVILLE

WHEREAS, the State of North Carolina has declared that municipalities may define and regulate animal cruelty; and

WHEREAS, the City of Hendersonville has determined that cruelty to animals is a danger to the public health, safety and welfare; and

WHEREAS, the City Council has determined that the tethering of domestic animals constitutes in many cases animal cruelty,

CITY OF HENDERSONVILLE

PLANNING DIVISION
AGENDA ITEM SUMMARY

SUBMITTER:	Tyler Morrow	**MEETING DATE:**	11-8-21
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development Department

TITLE OF ITEM: Rezoning: Conditional Zoning District Site Plan Amendment: The Landings of Flat Rock PIN 9588-12-4337 (P21-50-CZD MOD) – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

Planning Board- APPROVAL

I move the Planning Board Recommend that City Council adopt an ordinance amending the approved site plan associated with the PRD-CZD zoning designation for the subject parcel (PIN9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant.

finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[Please state reasons describing why this development is good for the community. Examples follow, or to include your own]

1. This development is within a priority growth area as designated in the comprehensive plan (*Chapter 8)*

2.The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8)

3.The development provides additional senior housing options for the City of Hendersonville.

Planning Board– DENIAL

I move the Planning Board recommend that City Council deny the application to amend the official zoning map of the City of Hendersonville for the subject property for the following reasons:

[Please state reasons describing why you are moving to deny the application. Examples follow or include your own.]

1. The development is not consistent with the Comprehensive Plan [if applicable];
2. The development is not compatible with the surrounding uses. [if applicable]
3. The development is not in the public interest because [state why if applicable]
4. The development will have a detrimental impact on the natural environment. [if applicable]

SUMMARY:
The City of Hendersonville is in receipt of an application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and located on S. Allen Road. The subject property was rezoned from Henderson County I, Industrial and OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

The proposed amendment is to allow the subject property to be subdivided into two parcels.

7-6-3 Modifications of Developments Authorized Under Special Use Review and Conditional Zoning Districts. The City Manager is authorized to approve minor modifications to the approved final plans of developments authorized under special use review and conditional zoning districts, but major modifications may only be authorized by City Council in accordance with procedures set forth herein. A modification shall be deemed minor if it is not a major modification.

a) A substantial change in the boundaries of the site approved by City Council;

This Site Plan Amendment to the Conditional Zoning District is the only item under review, any new conditions must be related directly to the proposed amendment.

PROJECT/PETITIONER NUMBER: P21-50-CZD MOD

PETITIONER NAME: Carolina Commercial Contractors, LLC (applicant)
Henderson Propco LLC (property owner)

ATTACHMENTS:

1. Staff Report
2. Full Size Site plan
3. Survey
4. Ordinance,
5. Proposed Zoning Map
6. NCM Minutes
7. Application
8. Previously Approved Ordinance- Ordinance #20-0591

THE LANDINGS OF FLAT ROCK CONDITIONAL ZONING DISTRICT SITE PLAN AMENDMENT P21-50-CZD MOD

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PLANNING BOARD SUMMARY OF ACTION 15

PROJECT SUMMARY

Applicant: Carolina Commercial Contractors, LLC

Property Owner: Henderson Propco LLC

Property Address: 0 South Allen Road

Project Acreage: 8.449 Acres

Parcel Identification Number(s): 9588-12-4337

Current Parcel Zoning: Planned Residential Development

Neighborhood Compatibility Meeting: September 28th 2021

SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

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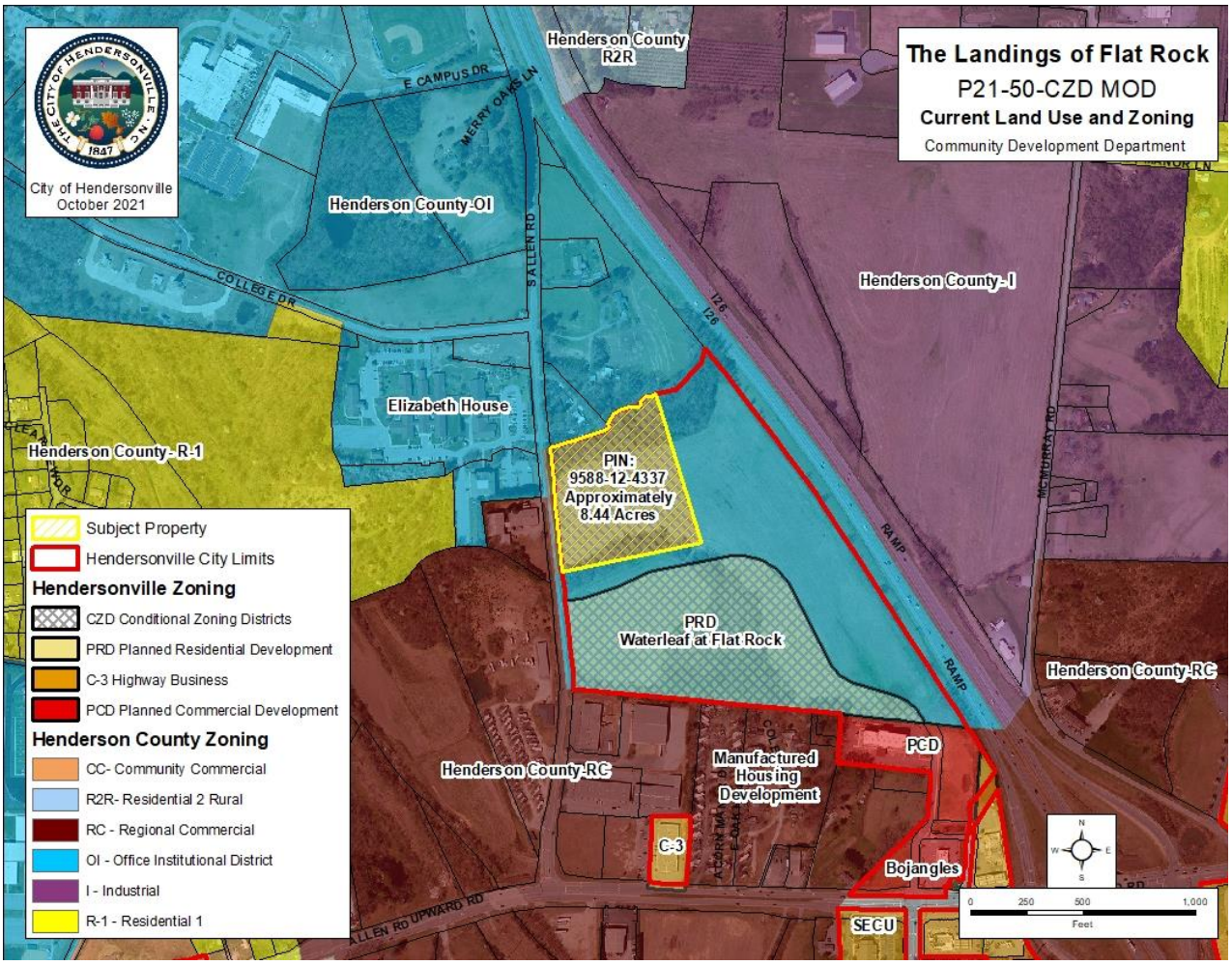
PROJECT SUMMARY - CONTINUED



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

SITE CONDITIONS – SITE IMAGES

View from South Allen Road.

View from the back of the property looking toward South Allen Road

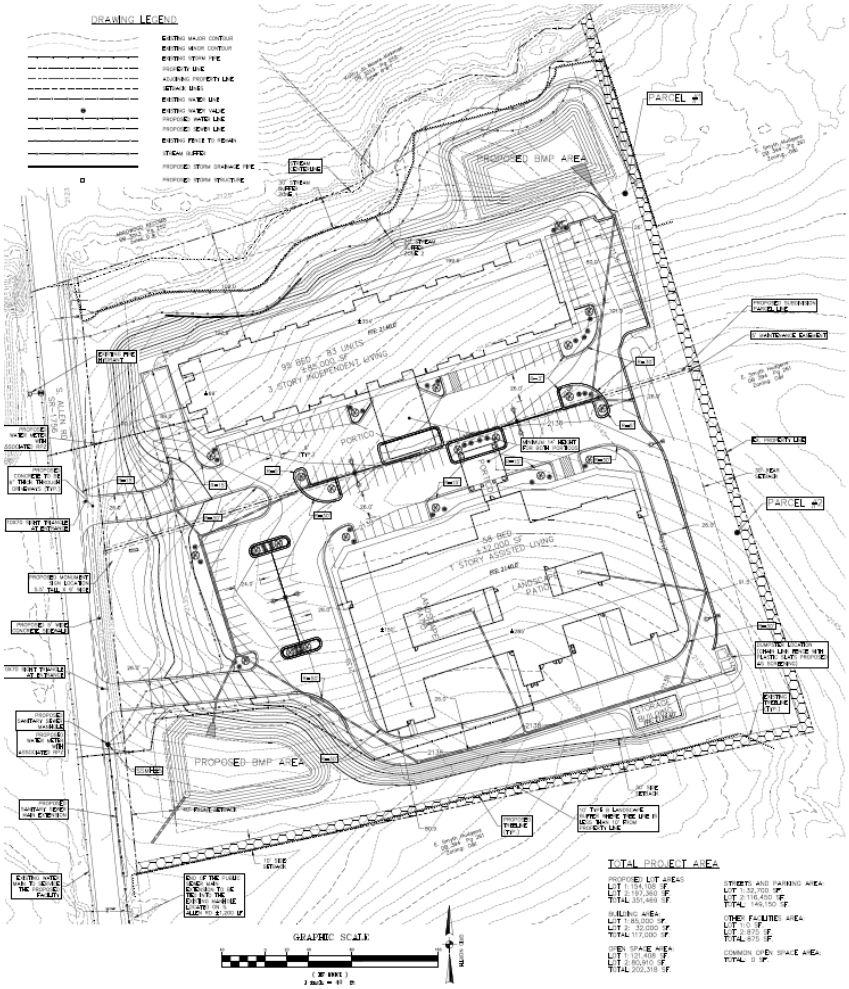
View of existing tree line on the northern property line.

AERIAL PHOTOS

View from the south

View from the north

REZONING/SITE PLAN TOPICS



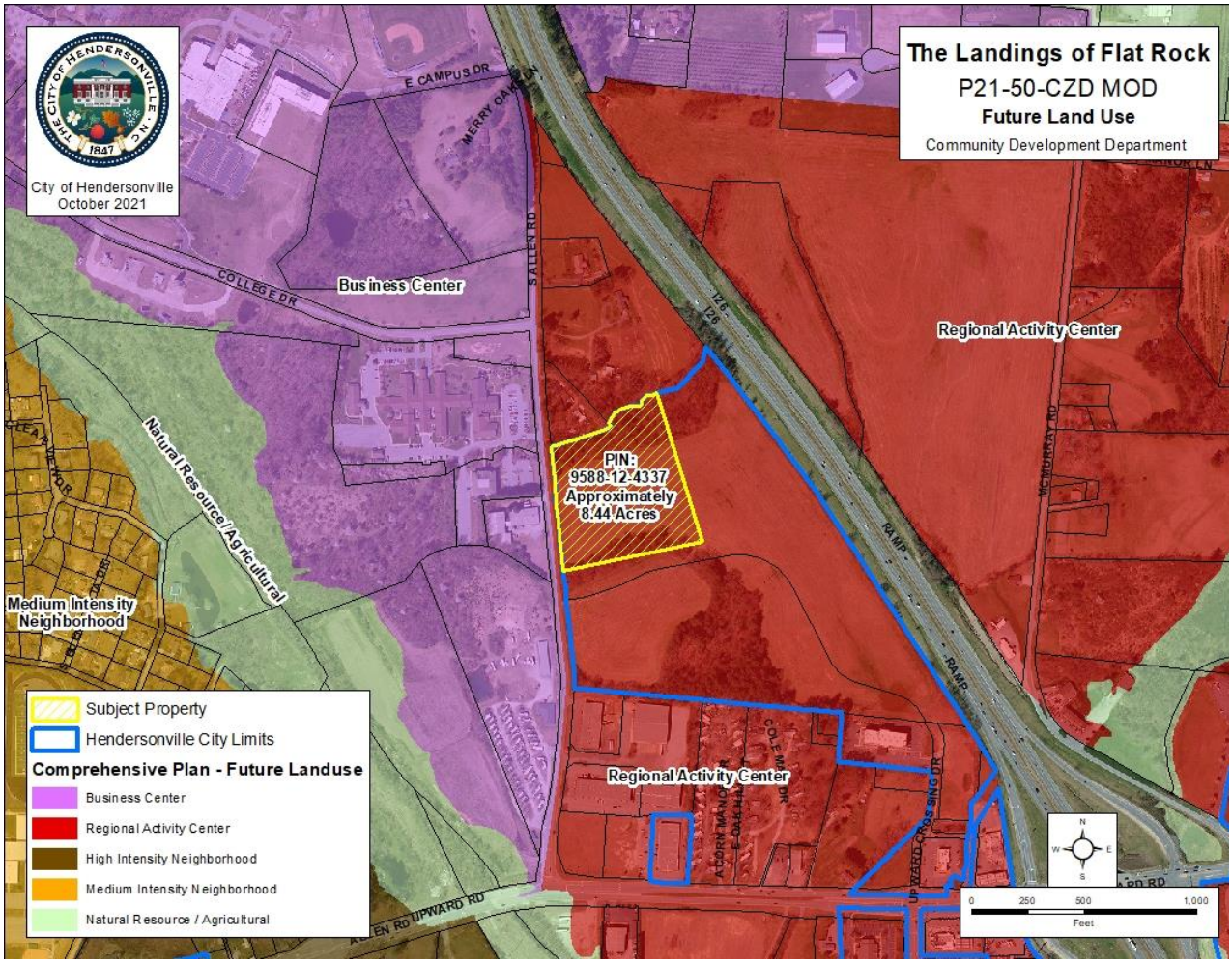
PROPOSED SITE PLAN

SITE DATA PARCEL #1	
PARCEL SIZE	3.54 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD–CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	INDEPENDENT LIVING
PARKING REQUIRED	102 SPACES
PARKING PROVIDED	67 (INCLUDING 3 HANDICAP SPACES)
PARKING NOTE:	126 TOTAL REQ'D / 132 TOTAL PROVIDED
PROPOSED IMPERVIOUS AREA	±1.44 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	83

SITE DATA PARCEL #2	
PARCEL SIZE	4.53 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD–CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED LIVING
PARKING REQUIRED	24 SPACES
PARKING PROVIDED	59 (INCLUDING 1 HANDICAP SPACES)
PROPOSED IMPERVIOUS AREA	±2.16 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	58

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are also designated Regional Activity Center. This future land use designation is specifically concentrated in this area due to its proximity to I-26 and is intended for community & regional retail sales and services, restaurants, multi-family residential and offices.

The parcels to the west of S. Allen Rd are designated as Business Center. This land use designation, which calls for employment centers developed in a campus-like environment, is present at this location due to the large undeveloped tracts in close proximity to I-26, the existing presence of Blue Ridge Community College, and the fact that it is naturally buffered from existing residential uses by the floodplain of Bat Fork Creek.

Goal LU-9.

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

Strategy LU-9.1.

Locations:

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

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

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

Strategy LU-9.4.

Development guidelines:

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

Example of a Regional Activity Center

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

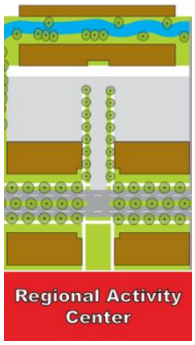
Retiree Influx

- A significant factor in the growth of Hendersonville is the influx of retirees, as evidenced by decreasing average household size, aging population, and the combination of low incomes and high amounts of money in savings.

Strategy PH-1.1.

Promote compatible infill development. Compatible infill development helps to re-invigorate older neighborhoods with new housing products, amenities or services while minimizing negative impacts. 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 landscape buffering.

This project sits just east of Four Seasons Hospice and the Elizabeth House. Due to the sensitive nature of those developments, compatibility is important. This project will act as a low traffic compatible transition abutting those developments.



COMPREHENSIVE PLAN CONSISTENCY–CONTINUED

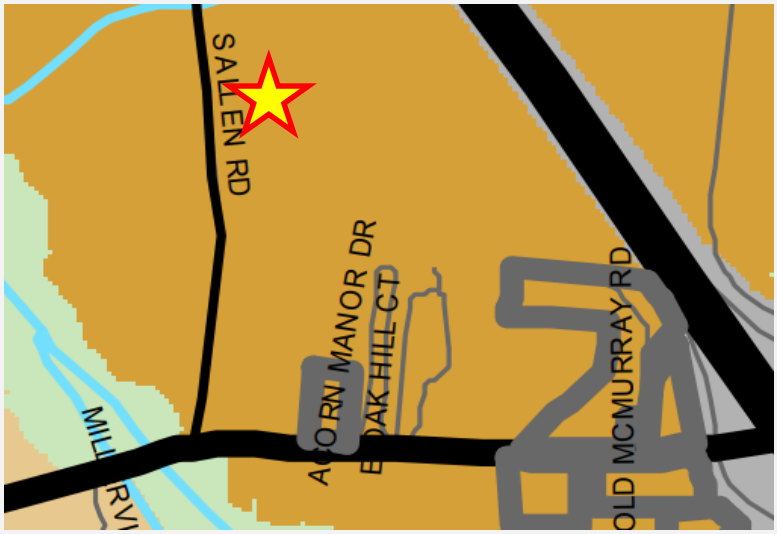
Growth Management

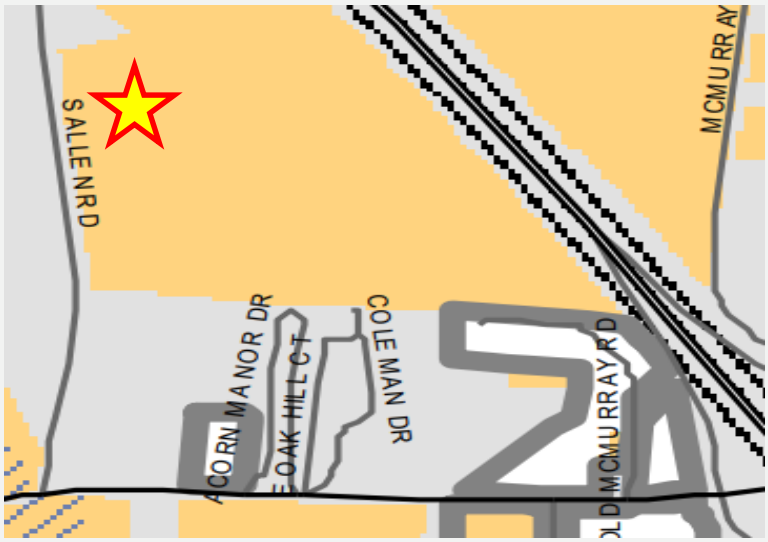
Priority Growth Areas (orange):

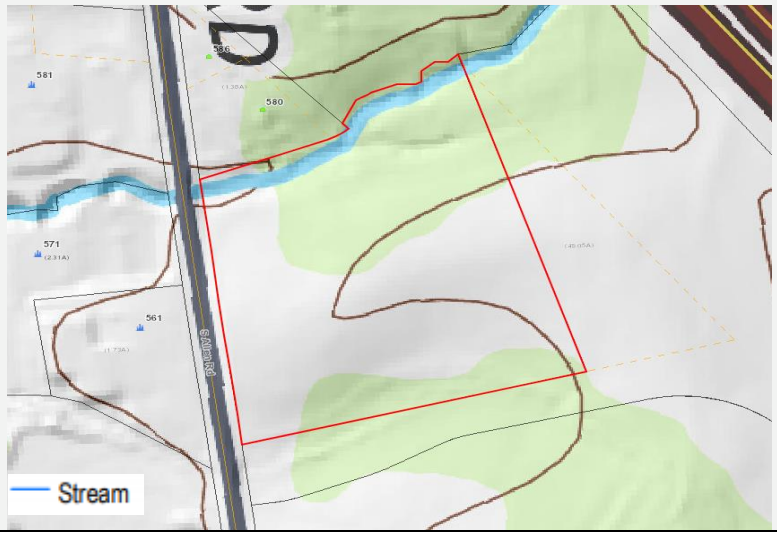
Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

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

There is a blue line stream along the northern property line.







SITE PLAN REVIEW

AMENDED SITE PLAN REVIEW P21-50-CZD MOD

Parcel

The subject parcel will be subdivided into two parcels.

- Parcel 1: 3.54 Acres
  - Independent Living
- Parcel 2: 4.53 Acres
  - Assisted Living

Easement

The project will provide an easement for maintenance in accordance with Section 5-14-6.3

- 5-14-6.3 Subdivision of Planned Residential Developments requires that a five-foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access for normal maintenance to the porticos.

APPROVED SITE PLAN REVIEW P20-36-CZD

Buildings

The site plan shows a

- 32,000 square foot 58 bed 1 story assisted living facility.
- 85,000 square foot, 95 bed/83-unit 3 story independent living facility.

Parking Requirements - Table 6-5-2

The site plan shows 132 proposed parking spaces to serve both the independent and assisted living facilities. The project is required to have 126 spaces.

Stream Buffer

According to the most recent USGS seven-and-one-half minute quadrangle topographic maps a blue line stream is present along the northern boundary of the property. The developer is required to provide a 30-foot stream buffer and a 20-foot transitional zone. Both of these are present on the developer's plan.

Entrance

The development would have two points of ingress and egress, both would be accessed off of S. Allen Road

Project Phasing - Section 7-5

The project will be constructed in 2 phases.

Stormwater/Flood Hazard Area

The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements

Sidewalks - Section 6-12

Sidewalks will be provided on the subject property's frontage along S. Allen Road.

Landscaping

The applicant is proposing a 10-foot Type B buffer along the East and South property lines. The plan also shows required interior plantings for the vehicular use areas.

TRANSPORTATION:

Transportation Impact Analysis: According to the 7th Edition of the Institute of Transportation Engineers Trip Generation Manual

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

Congregate Care- Per Dwelling Unit Calculation

Overall Project Totals

21.42 Trips AM peak hour.

30.6 trips PM peak hour

309 Daily Trips.

2030 Comprehensive Plan Transportation Map

- Freeway
- Boulevard
- Major Thoroughfare
- Minor Thoroughfare
- Proposed Improvement
- Local Street

Notable Area NCDOT Projects

There are no planned NCDOT projects that would impact this site.

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

Zoning Compliance:

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

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

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

Once subdivided the two parcels will be considered a single development in accordance with section "7-12 Aggregation" in the Zoning Ordinance.

Section 7-12 states:

- "Two or more developments shall be aggregated and treated as a single development under this ordinance when they are determined to be part of a unified plan of development and are physically proximate to one another. Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the reviewing authority may, but is not required to, determine that two or more projects are part of a unified plan of development:
    - a) The same person has control of the developments;
    - b) The same person has ownership or a significant legal or equitable interest in the developments;
    - c) There is common management controlling the form of physical development or disposition of parcels of the development;
    - d) There is a reasonable closeness in time between the completion of some or all of one development and the submission of an application for authorization of other development which is indicative of a common developmental effort;
    - e) A master plan or series of plans or drawings exists covering the developments sought to be aggregated;
    - f) There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
    - g) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Both parcels will be tied to the approved site plan and approved list of uses and conditions for the total site.

The established conditional zoning district was approved with 4 conditions. The conditions were already consented to and do not have to be restated as part of the amendment.

The conditions are as follows:

1. 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
2. 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.
3. Provide a total area open space of 56% rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for the Planned Residential Development Zoning District.
4. Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:

Comprehensive Plan Consistency:

Staff feels that this development is in alignment with Strategy PH 1.1 of Chapter 2 which states "Promote compatible infill development. Compatible infill development helps to reinvigorate older neighborhoods with new housing products, amenities or services while minimizing negative impacts. 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 landscape buffering". This development will be compatible in use to the Four Seasons Hospice and the Elizabeth House which are located to the west across South Allen Road. This development will also provide a 10-foot vegetative buffer around the southern and eastern property boundary to better buffer it from other developments.

This development is also in alignment with Goal Ph 2 in Chapter 2 which states "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". Hendersonville has an aging population and an influx of retirees, and it is important that the City promote senior developments to foster the City's current and future needs. Senior living facilities are at a premium in this area. Adding an independent and assisted living facility will better serve the City and its citizens going into the future.

PROPOSED CONDITIONS:

Staff does not have any proposed conditions for this development.

The developer has not requested any conditions.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on September 28th, 2021. 0 member of the public attended in person with 1 citizen on Zoom. He had questions concerning:

- Ownership of the property

- Management of the property
- Traffic issues

TREE BOARD- SUMMARY OF ACTION

The Tree Board did not review this site plan amendment since it does not have an impact on trees or the landscaping plan.

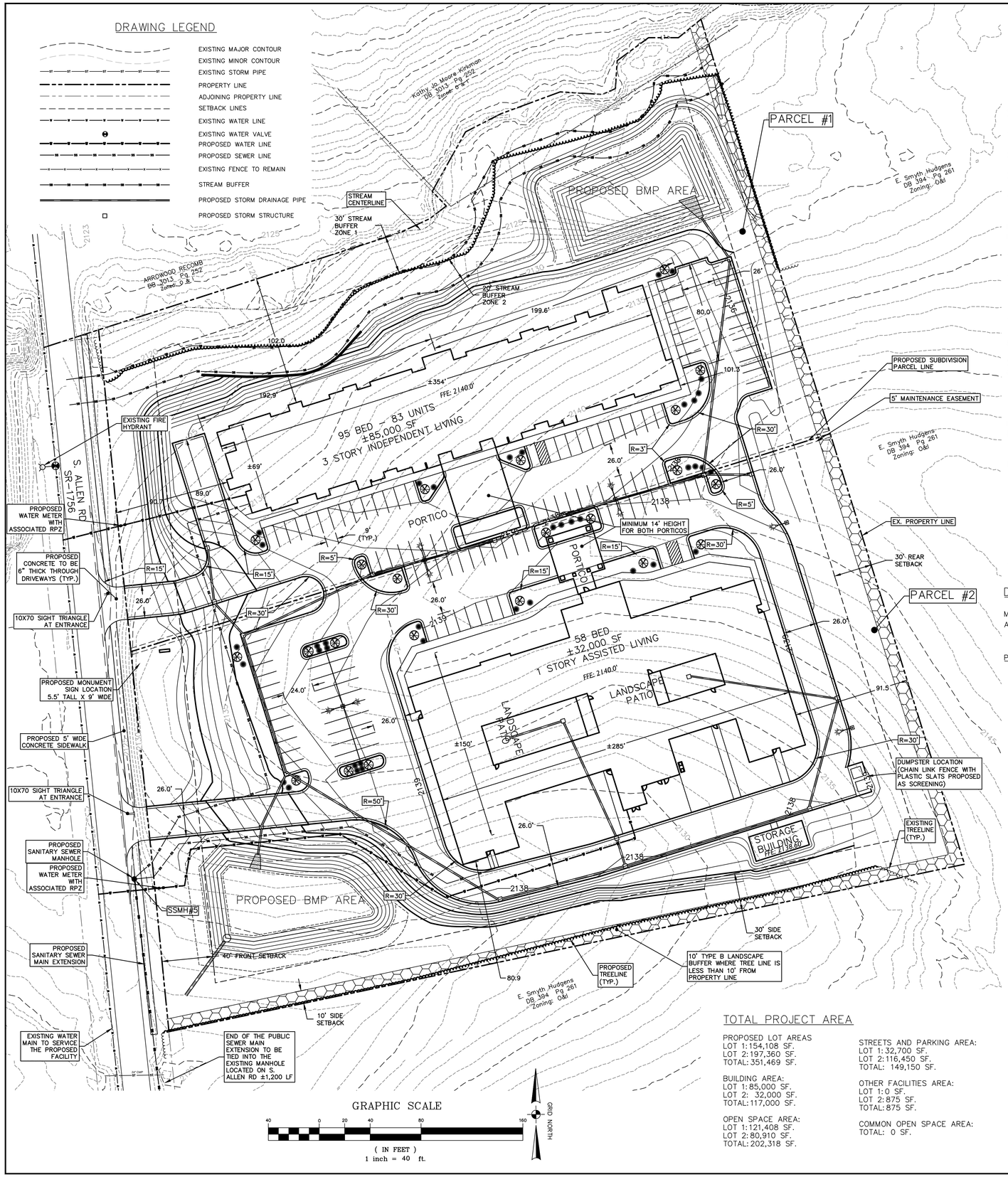
PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

Planning Board Motion

DRAWING LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING STORM PIPE
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- SETBACK LINES
- EXISTING WATER LINE
- EXISTING WATER VALVE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- EXISTING FENCE TO REMAIN
- STREAM BUFFER
- PROPOSED STORM DRAINAGE PIPE
- PROPOSED STORM STRUCTURE



CONCEPT PLAN PRELIMINARY NOTE:

THIS PLAN IS TO BE USED FOR REFERENCE ONLY.

THE FINAL LAYOUT IS SUBJECT TO CHANGE. EXISTING TOPOGRAPHY AND UTILITY LOCATIONS ARE TO BE FIELD SURVEYED AND FIELD VERIFIED, AND FINAL BUILDING FOOTPRINTS ARE TO BE DETERMINED BY THE PROJECT ARCHITECT PRIOR TO FINAL CIVIL DESIGN.

SITE NOTES:

1. PARCEL BOUNDARIES ARE SHOWN PER SURVEY PLAT RECEIVED FROM SURVEY CAROLINA, PLLC DATED , AUGUST 17TH 2020.
2. TOPOGRAPHIC DATA IS SHOWN PER LIDAR INFORMATION AND FIELD SURVEY RECEIVED FROM SURVEY CAROLINA, PLLC DATED Nov. 9TH, 2020.
3. EXISTING WATER AND SANITARY SEWER ARE SHOWN PER INFORMATION RECEIVED FROM HENDERSON COUNTY WATER AND SEWER.
4. THIS PROPERTY IS A SATELLITE ANNEXED PROPERTY IN THE CITY OF HENDERSONVILLE.

PARKING REQUIRED: ALL PARKING CALCULATIONS HAVE BEEN ESTIMATED BASED OFF OF AVAILABLE INFORMATION ON THE NUMBER OF REQUIRED EMPLOYEES, BEDS AND UNITS.

1 PER EACH INDEPENDENT DWELLING UNIT
1 X 83 UNITS = 83 SPACES
1 PER EACH 10 INDEPENDENT DWELLING UNITS FOR VISITORS PLUS
1 X (80 UNITS/10) = 8.3 VISITOR SPACES
1 PER EVERY EMPLOYEE ON THE LARGEST SHIFT PLUS
1 X (20 EMPLOYEES) = 20 SPACES
1 PER EVERY 4 BEDS FOR ASSISTED LIVING OR NURSING CARE BEDS.
1 X (58 BEDS/4) = 14.5 SPACES
83 + 8.3 +20 + 14.5 = 125.8 (126) PARKING SPACES REQUIRED

5. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
6. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
7. CONFIRM UTILITY SIZE AND LOCATION WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.

WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

8. A PUBLIC SANITARY SEWER MAIN EXTENSION WILL BE REQUIRED FOR THIS PROJECT. THE NEAREST SANITARY SEWER MANHOLE IS LOCATED ±1,200 LF SOUTH OF THE PROJECT LOCATION ON SOUTH ALLEN RD.
9. IN ORDER TO ENSURE THE SITE WILL DRAIN PROPERLY THE ENTIRE PROJECT LIMITS WILL BE CLEARED AND GRUBBED, GRADED AND FINAL STORM DRAINAGE WILL BE PUT IN PLACE IN PHASE 1. PHASE 1 CONSTRUCTION WILL ALSO INCLUDE THE CONSTRUCTION OF THE ASSISTED LIVING FACILITY AND THE MAJORITY OF PARKING AND DRIVEWAY AREAS. PHASE 2 WILL CONSIST OF CONSTRUCTING THE INDEPENDENT LIVING FACILITY AND ADJUSTING PARKING AREAS NEAR THE BUILDING.
10. PROPOSED TREELINE IS SUBJECT TO CHANGE WITH FINAL GRADING PLAN DESIGN AND SHOULD BE CONSIDERED APPROXIMATE AND FOR REFERENCE ONLY.
11. OWNER IS RESPONSIBLE FOR PERPETUAL MAINTENANCE OF COMMON OPEN SPACE.

DENSITY CALCULATION:

MAXIMUM DENSITY: 20 PEOPLE PER ACRE
ALLOWABLE DENSITY: 20 PEOPLE X 8.07 ACRES(OUTSIDE OF RIGHT OF WAY) 161 PEOPLE
20 PEOPLE X 8.449 AC(R/W INLCUDED) = 169 PEOPLE

PROPOSED RESIDENTS:
INDEPENDENT LIVING: 12 STUDIO APARTMENTS X 1 = 12
59 1-BEDROOMS APARTMENTS X 1.5 = 88.5
12 2-BEDROOM APARTMENTS X 2 = 24
ASSISTED LIVING: 58 STUDIO APARTMENTS X 1 = 58

TOTAL DENSITY: 182.5 PEOPLE PER HENDERSONVILLE DENSITY CALCULATIONS

OPEN SPACE NOTES:

OPEN SPACE REQUIRED: 65% OF PROJECT AREA
351,469 SF (8.07 AC) OUTSIDE OF RIGHT OF WAY
351,469 SF X 0.65 = 228,454 SF
ROOF AND CANOPY AREA: 63,186 SF
VEHICULAR USE AREA: 93,465 SF
REMAINING OPEN SPACE: 194,818 SF (55%)

LANDSCAPE BUFFER NOTES:

1. STREETYARD:

NO PROPOSED STREETYARD IS REQUIRED DUE TO 60 FT RIGHT OF WAY WIDTH.

2. EASTERN AND SOUTHERN BOUNDARY:

ADJOINING PROPERTY TO THE EAST AND TO THE SOUTH IS ZONED OFFICE AND INSTITUTIONAL. PER SECTION 15-6 TABLE OF BUFFER REQUIREMENTS, INSTITUTIONAL USES ARE NOT REQUIRED TO PROVIDE BUFFERS WHEN ADJOINING INSTITUTIONALLY ZONED PROPERTY. TO THE EXTENT POSSIBLE, EXISTING TREES LOCATED ON THE SOUTHERN PROPERTY BOUNDARY WILL BE MAINTAINED.

3. NORTHERN PROPERTY BOUNDARY:

THE NORTHERN BOUNDARY WILL CONSIST OF AN UNDISTURBED 30' STREAM BUFFER. THE EXISTING LANDSCAPING IN THE EXISTING STREAM BUFFER EXCEEDS THE LANDSCAPE BUFFER REQUIREMENTS AND WILL BE MAINTAINED.

PARKING LOT LANDSCAPING NOTES

1. VEHICULAR USE AREAS WILL REQUIRE 1 TREE AND AT LEAST 2 SHRUBS PER EVERY 4,000SF OF VEHICULAR USE AREA.
2. VEHICULAR USE AREA PROPOSED: 85,075 SF
3. REQUIRED PARKING LOT LANDSCAPING:
85,075 / 4,000 = 22 TREES & 44 SHRUBS
4. PARKING LOT LANDSCAPING PROPOSED:
22 CANOPY TREES (RED MAPLES)
44 EVERGREEN SHRUBS

TOTAL PROJECT AREA

PROPOSED LOT AREAS
LOT 1: 154,108 SF.
LOT 2: 197,360 SF.
TOTAL: 351,469 SF.

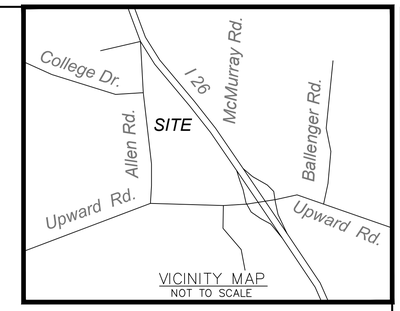
BUILDING AREA:
LOT 1: 85,000 SF.
LOT 2: 32,000 SF.
TOTAL: 117,000 SF.

OPEN SPACE AREA:
LOT 1: 121,408 SF.
LOT 2: 80,910 SF.
TOTAL: 202,318 SF.

STREETS AND PARKING AREA:
LOT 1: 32,700 SF.
LOT 2: 116,450 SF.
TOTAL: 149,150 SF.

OTHER FACILITIES AREA:
LOT 1: 0 SF.
LOT 2: 875 SF.
TOTAL: 875 SF.

COMMON OPEN SPACE AREA:
TOTAL: 0 SF.



VICINITY MAP
NOT TO SCALE

OVERALL SITE DATA TABLE

ADDRESS	471 MCMURRAY RD, FLAT ROCK, NC 28731 (S. ALLEN RD)
OWNER	HENDERSON PROPCO LLC
OWNER ADDRESS	PO BOX 2568 HICKORY NC 28603
DEVELOPER	CAROLINA COMMERCIAL CONTRACTORS, LLC
DEVELOPER ADDRESS	PO BOX 159, SANFORD, NC 27331
DEVELOPER PHONE	919-776-4641
PIN#	9588124337
PARCEL SIZE (PER SURVEY)	8.449 ACRES (8.07 AC OUTSIDE OF RIGHT OF WAY AREA)
DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED AND INDEPENDENT LIVING
SETBACKS	FRONT = 40 FT SIDE = 30 FT REAR = 30 FT
PARKING REQUIRED	126 SPACES
PARKING PROVIDED	132 (INCLUDING 4 HANDICAP SPACES)
SITE DISTURBED AREA	±8.0 ACRES (ESTIMATED)
PROPOSED IMPERVIOUS AREA	±4.0 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	141

SITE DATA PARCEL #1

PARCEL SIZE	3.54 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	INDEPENDENT LIVING
PARKING REQUIRED	102 SPACES
PARKING PROVIDED	67 (INCLUDING 3 HANDICAP SPACES)
PARKING NOTE:	126 TOTAL REQ'D / 132 TOTAL PROVIDED
PROPOSED IMPERVIOUS AREA	±1.44 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	83

SITE DATA PARCEL #2

PARCEL SIZE	4.53 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED LIVING
PARKING REQUIRED	24 SPACES
PARKING PROVIDED	59 (INCLUDING 1 HANDICAP SPACES)
PROPOSED IMPERVIOUS AREA	±2.16 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	58

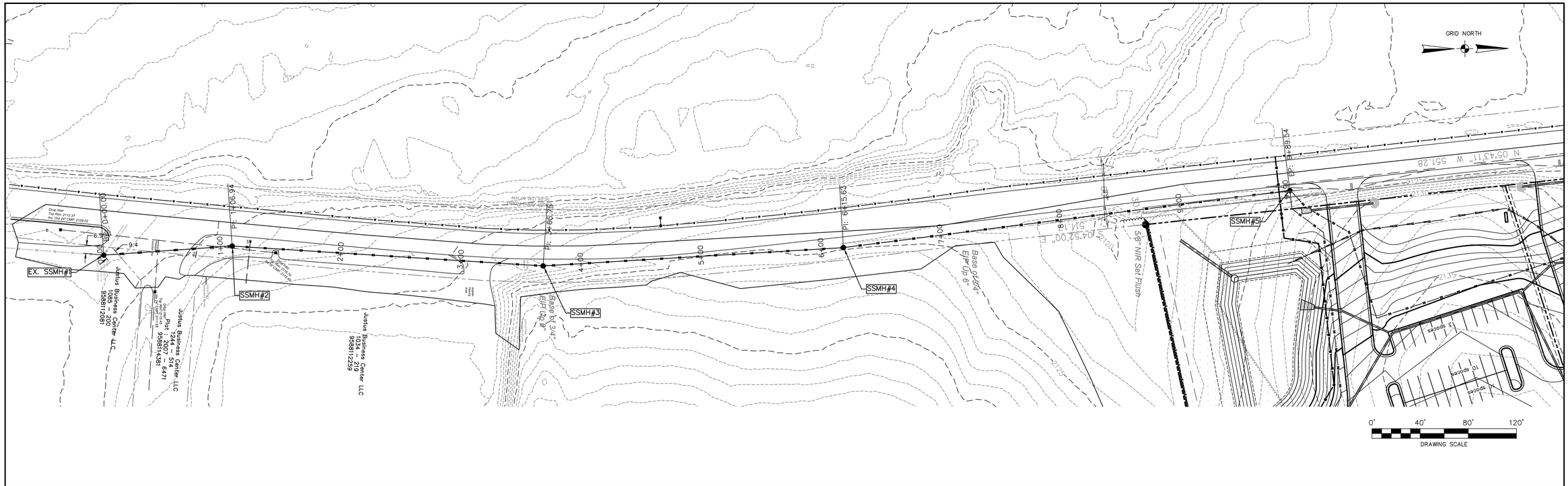
Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
Email - info@summeyengineering.com
NC Professional Engineering Firm License No. F-0336

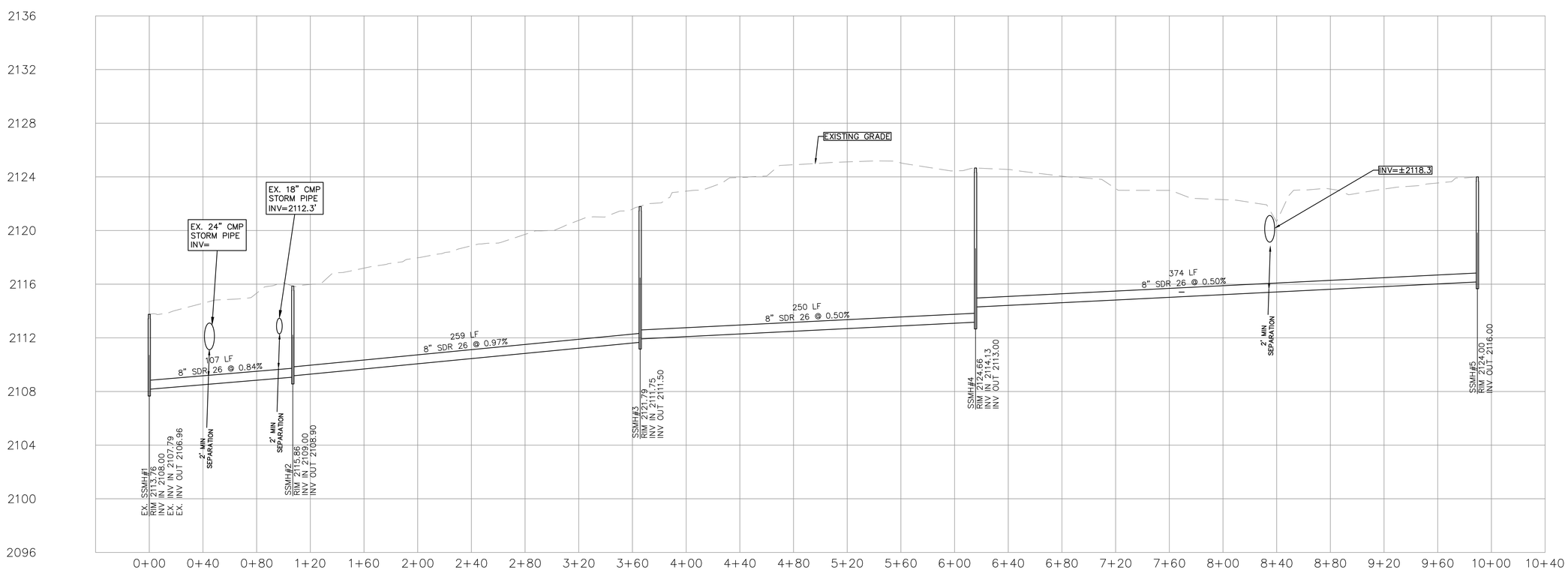
No.	Date:	Description:	By:
0	10-05-21	PERMIT SET	ZHG
1	10-29-21	REVISIONS PER COMMENTS FROM CITY	DJB

CONCEPT PLAN
THE LANDINGS OF FLAT ROCK
S. ALLEN RD
HENDERSON COUNTY - HENDERSONVILLE - NC

Scale:	AS NOTED	Checked By:	HMSJ	
Date:	NOV. 2021	Job No.:	E-6445	
Drawn By:	ZHG			

Sheet No.





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Email - info@summeyengineering.com
NC Professional Engineering Firm License No. F-0336

No.	Date:	Description:	By:
0	10-05-21	PERMIT SET	ZHG
1	10-29-21	REVISIONS PER COMMENTS FROM CITY	DJB

SANITARY SEWER MAIN EXTENSION PLAN
THE LANDINGS OF FLAT ROCK

S. ALLEN RD
HENDERSONVILLE - NC
HENDERSON COUNTY

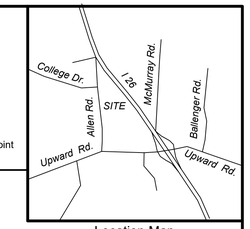
Scale:	AS NOTED
Date:	NOV. 2021
Drawn By:	ZHG
Checked By:	HMSJ
Job No.:	E-6445

Sheet No. C-4

LINE	BEARING	DISTANCE
L1	N 64°55'31" E	27.64
L2	N 52°26'26" E	16.17
L3	N 43°53'31" W	15.92
L4	N 29°13'26" E	53.64
L5	N 62°53'30" E	31.11
L6	N 69°42'48" E	49.75
L7	S 86°28'50" E	33.08
L8	N 66°07'12" E	11.35
L9	N 03°41'08" E	22.03
L10	N 53°45'46" E	30.52
L11	N 90°00'00" E	23.50
L12	N 50°37'35" E	22.87
L13	S 17°19'07" E	18.55

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well



Location Map
(Not to Scale)

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. This property is within 1/2 mile of a Farmland Preservation District.
7. Tax PIN: 9588127382

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: July 02, 2020
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99977982
(9) GPS/GNSS Scale Point:
N:582,340.69 E:981,405.04 E= 2142.32
(10) Units: US Survey Feet

I, Dan W Tanner II, Professional Land Surveyor, certify that this survey completed with accuracies of:
Horizontal: 0.2'
Vertical: 0.2'

Topographic information collected during field Survey: July, 2020 and October, 2020.
Date of This Plat: November 1, 2020

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

Zoned: O & I
Setbacks: Front ROW: 20'
Side, Rear: 10'

Owner:
Peggy C Cabe et al
5133 Boylston Hwy
Mills River, NC 28759

Sheet 1 of 2
Topographic Survey For:
NC LLC

Blue Ridge Township ***Henderson County***
North Carolina ***November 1, 2020***
Deed Book:3578 Pg:329
Plat Book: 2002 Page: 4376
Plat Book: 2020 Page: 12688
Scale: 1" = 40 US Survey Feet

Bar Scale:
0 40 80 120

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, Pllc
Job #: 12071

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-12-4337 BY AMENDING CONDITIONAL ZONING ORDINANCE #20-0591

IN RE: Parcel Number: 9588-12-4337 –The Landings of Flat Rock Site Plan Amendment (File # P21-50-CZD MOD)

WHEREAS, the City Council adopted Ordinance #20-0591, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9588-12-4337 (previously 9588-12-7382, the "Subject Parcel") from Henderson County OI Office Institutional to PRD CZD Planned Residential Development Conditional Zoning District; and

WHEREAS, Ordinance #20-0591 approved a site plan for the Subject Parcel and imposed conditions governing development of the Subject Parcel, which conditions were consented to by the Owner of the Subject Parcel; and

WHEREAS, as adopted, Ordinance #20-0591 approved the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres; and

WHEREAS, the City is in receipt of a Conditional Rezoning Amendment application from Carolina Commercial Contractors, LLC (applicant) and Henderson Propco LLC (Property Owner) for the Subject Parcel, consisting of a proposed revised site plan for the Subject Parcel, to allow the Subject Parcel to be subdivided into Two (2) parcels ; and

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th2021; voting 4 to 1 to recommend City Council approve the requested amendment, finding that the proposed amendment was consistent with the adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 2, 2021, 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 adopting the following modifications to Conditional Zoning Ordinance #20-0591:

   a. The revised site plan is approved as presented, including the subdivision of the subject property into two (2) parcels.

2. Except as modified by this Ordinance, all other terms and conditions of Conditional Zoning

Ordinance #20-0591 shall remain in full force and effect and shall govern the development on the Subject Parcel, and the same are hereby ratified and incorporated herein by reference.

3. In addition to the requirements of Conditional Zoning Ordinance #20-0591, as modified by this Ordinance, development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. The property Final plans for the project shall comply with approved plans, conditions imposed, allowable uses, and terms of Conditional Zoning Ordinance #20-0591 as amended by this Ordinance, and all applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

5. This ordinance shall be effective upon its adoption.

Adopted this 2nd day of December 2021.

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

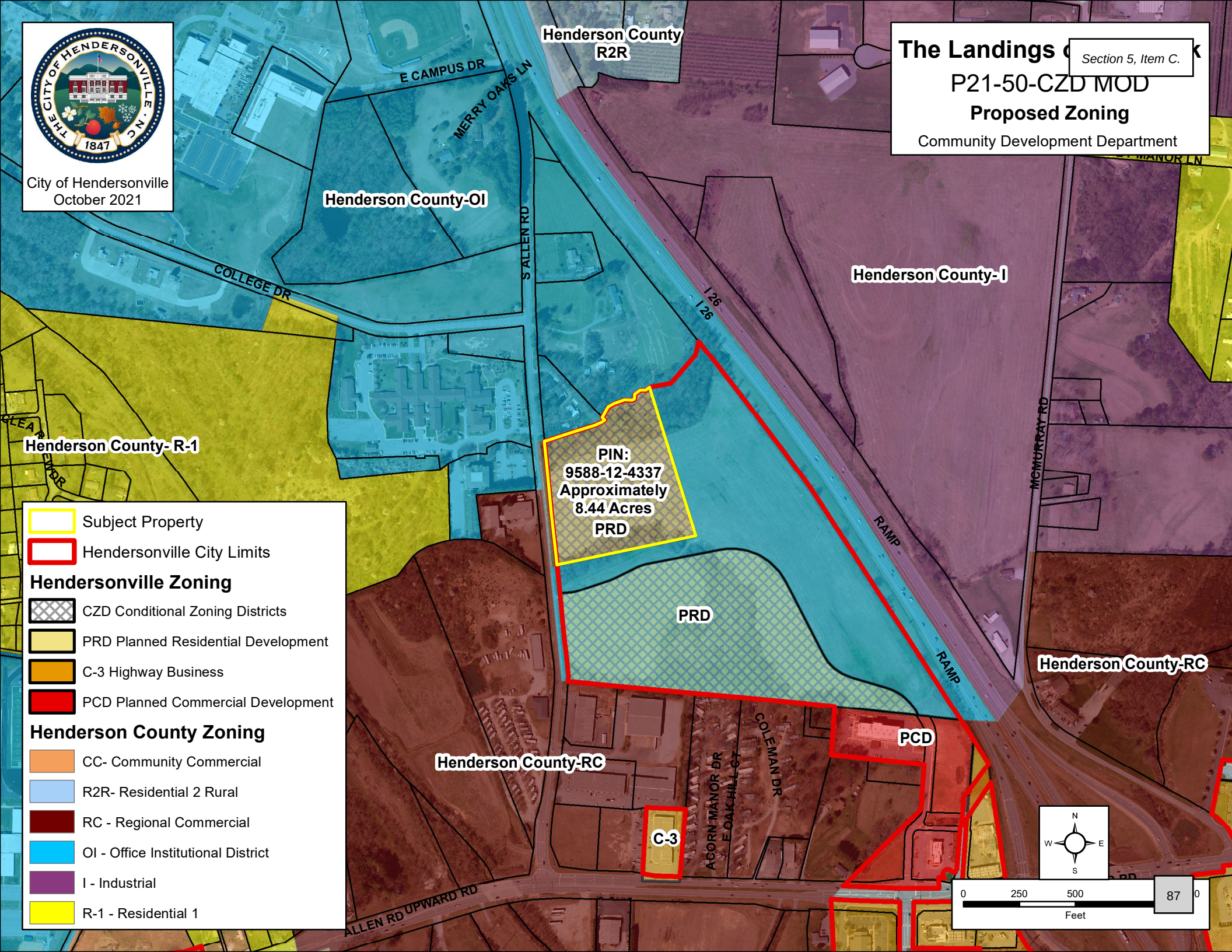
_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

The Landings at Oak Hill
P21-50-CZD MOD
Proposed Zoning
Community Development Department

City of Hendersonville
October 2021



Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Landings of Flat Rock File # P21-50-CZD
Tuesday, September 28, 2021 2:00 p.m.

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

Name	***Address***	***Name***	***Address***
Matt Manley	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Alexandra Hunt	staff		
Corey Mabus. App	Sanford, NC		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for the Landings of Flat Rock project. This is the first step in the process. This will go to the Planning Board and the Tree Board for their review. After that it will go before City Council for the final decision.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and via email. There were no pre-submitted comments for this project. Comments and questions will also be accepted during today's meeting, both in-person and through zoom by following these procedures: Participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star-9. If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium. Before you speak, please state your name and address to be included in the record.

The subject property is currently zoned PRD CZD, Planned Residential Development Conditional Zoning District. This rezoning was approved by City Council in December 2020. The original site plan was shown. Mr. Morrow stated the applicant requested to make changes to the site plan and that triggered it back through the process. This is for an amendment to a previously approved application. The zoning will not change and will remain PRD CZD. The project will still consist of a one-story, 32,000 sq. ft. assisted living facility and a three-story, 85,000 sq. ft. independent living facility.

The change is to split the development into two parcels. Staff has not started the formal review for this but will start the review after this meeting. They will be limited to what is approved on the site plan.

Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented. We will identify speakers in order and unmute you.

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

Mr. Morrow stated Zach Gardner is on the zoom call and asked if he would like to speak about the project.

Zach Gardner, Summey Engineering stated Corey Mabus should be attending via zoom soon. He stated the only change is the subdivision of the property. The square footage of the buildings will not change. They have made a few changes to the easements, but the overall design will remain the same.

Mr. Morrow asked if anyone would like to speak via zoom.

Ken Fitch, 1046 Patton Street stated why is it two parcels. Will they have separate owners for each parcel? How will they manage it? Will it be the same agreement? If one fails how will they live up to the requirements? Are there two entities? Who is responsible for the two driveways with two owners? This will be connecting to an adjacent parcel so in terms of the impact, does this serve a need? Traffic is a big issue with another development being built in the area. A TIA was not required for the other development but with two developments now it will be an issue. Will the assisted living facility have separate owners? The adjacent project and the traffic adjustment at the entrances may have an effect on the projects and this could be an issue for staff. When both projects are under construction what will happen? There is also an issue with the trees. What existing trees will exist? They say they will save as many trees as they can but sometimes that is not enough, and it will affect the buffer. Construction of major buildings does have an impact on vegetation.

Mr. Morrow asked if anyone would like to speak that is in attendance.

Corey Mabus, landholder and developer stated he cannot address the neighbors concerns regarding traffic but the owners will remain the same for both parcels. It will be operated by the same company. Due to financing restraints in the market, they want to separate the parcels so they can finance them separately. That is the only reason for this change.

Mr. Morrow stated the two parcels do appear adjacent, but they actually are not. There is a flag parcel between them. The deceleration lane was not required by NCDOT, but they would support it. The other project is actually on the other side of the street closer to Upward Road on South Allen. It is not on the same side.

Mr. Morrow explained what a flag lot is. He also stated this is an amendment. The Landings of Flat Rock has already received approval and anything outside of the what's being amended is off the table. The original conditions still stand.

Mr. Fitch asked if the developer will be the owner of a dual entity. Mr. Mabus stated the developer will own both facilities and the project will be part of their portfolio of what they already own.

Mr. Fitch asked if the financing fell through what would happen. Mr. Mabus stated they do anticipate the financing failing.

Mr. Fitch asked about a TIA. Mr. Morrow stated a TIA is not required for this project.

Mr. Morrow stated the guidance on amendments comes from the City Attorney.

Mr. Morrow stated the Planning Board will hear this application in November and the City Council will have the final decision in December.

With no further comments or questions, Mr. Morrow closed the meeting at 2:20 pm.

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

APPLICATION FOR CONDITIONAL ZONING DISTRICT AMENDMENT

Section 7-6-3 City Zoning Ordinance

The following are required to amend a Conditional Zoning District:
- **~ This form including the property owner(s) signature(s)**
- **~ Appropriate fee**
- **~ 2 copies of the amended site plan.**

Date	**9-21-2021**
Name of Project	The Landings of Flat Rock
Address / Location of Property	471 McMurray Road, Flat Rock, NC, 28731
List 10 digit PIN or 7 digit PID Number for each property	9588-12-4337
Contact Information	Carolina Commercial Contractors, LLC
Address	1600 Colon Rd. Sanford, NC 27330
Phone	919-776-4641
Fax	
Email	
Proposed change(s) to Conditional Zoning District	The property parcel has a proposed subdivision into two lots. One lot will have a proposed assisted living while the other lot will have the proposed independent living facility.
Designated Agent	W. Carter Keller - Carolina Commercial Contractors, LLC
Address	1600 Colon Rd. Sanford, NC 27330
Phone	910-580-6744

Signature _____

Official Use:
DATE RECEIVED: _____ **BY** _____ **FEE RECEIVED $** _____ **FILE NO.** _____

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Proposed Conditions for the site:	Assisted Living Facility with the intention of installing a separate independent living on the site at a later date.

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

Explain consistency with City's Comprehensive Plan:	This project will comply with all City of Hendersonville parking, landscaping, setbacks and all other requirements noted in the zoning ordinance.
Explain compatibility with surrounding land uses:	The land that is located directly across S. Allen Rd from the project parcel is currently used for hospice and medical care.
Explain whether changed conditions require a map amendment:	
Explain how the petition is in the public interest:	If approved the proposed project would provide adeqaute and safe housing for the elderly residents of the community. This facility would provide job opportunities for professionals in the medical field.

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Explain whether adequate public facilities are available:	Public water is available on S. Allen Rd. The project applicant would extend the existing public sewer main to the project parcel.

Explain the impact the petition would have on the natural environment:	The project will comply with all applicable state and local codes in order to ensure the safety of the natural resources of The City of Hendersonville, Henderson County and the State of North Carolina.

Additional information:	

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

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

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

Applicant:

Printed Name W. Carter Keller - Carolina Commercial Contractors, LLC

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

Signature _____

Title Manager Email corey@carolinacommercialnc.com

Address of Applicant 1600 Colon Rd. Sanford, NC 27330

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

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

Property Owner:

Printed Name Henderson Propco, LLC

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

Signature Henderson Propco, LLC

Title General Counsel Email notices@stonevilleacceptance.com

Address of Property Owner 471 McMurray Road, Flat Rock, NC 28731
P.O. Box 26255, Winston-Salem, NC 27114 (mailing)

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

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

Property Owner:

Printed Name_____

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

Signature_____

Title_____Email_____

Address of Property Owner_____

_____

Printed Name_____

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

Signature_____

Title_____Email_____

Address of Property Owner_____

_____

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

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

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signedby 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

Ordinance #20-0591

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A PORTION OF PARCEL NUMBER 9588-12-7382 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO PRD-CZD PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT.

WHEREAS, the City is in receipt of a Conditional Rezoning application from Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, John Thomas Fleming, Paula C. Carter, Lynda Hill Camenzind, Brenda Merrill Camenzind, Charles Norman Carter and Robert O. Camenzind for the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 9th, 2020; voting 5-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 3rd, 2020, 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:

   A portion of parcel number 9588-12-7382 from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District.

2. Development of the parcel shall occur in accordance with the final site plan requirements

of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of December, 2020.

Barbara G. Volk

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker

Angela S. Beeker, City Attorney

IN RE: The Landings of Flat Rock
(File # P20-36-CZD) Ordinance #20-0591
PIN # 9588-12-7382

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

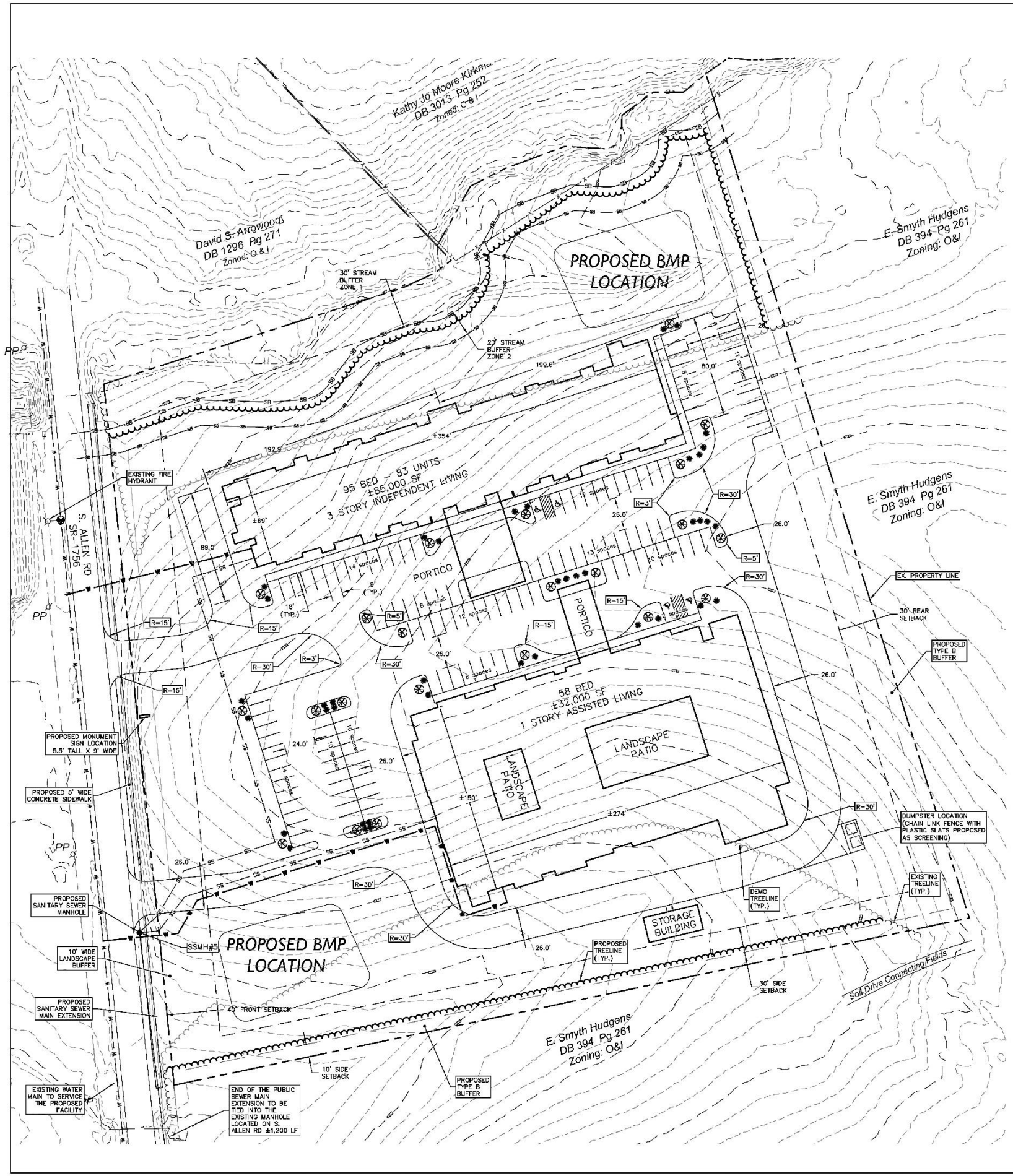
Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

_____

Amy H. Knight

Appendix F



PRELIMINARY PLAN PRELIMINARY NOTE:

THIS PLAN IS TO BE USED FOR REFERENCE ONLY.

THE FINAL LAYOUT IS SUBJECT TO CHANGE. EXISTING TOPOGRAPHY AND UTILITY LOCATIONS ARE TO BE FIELD SURVEYED AND FIELD VERIFIED, AND FINAL BUILDING FOOTPRINTS ARE TO BE DETERMINED BY THE PROJECT ARCHITECT PRIOR TO FINAL CIVIL DESIGN.

SITE NOTES:

1. PARCEL BOUNDARIES ARE SHOWN PER SURVEY PLAT RECEIVED FROM SURVEY CAROLINA, PLLC DATED , AUGUST 17TH 2020.
2. TOPOGRAPHIC DATA IS SHOWN PER LIDAR INFORMATION AND FIELD SURVEY RECEIVED FROM SURVEY CAROLINA, PLLC DATED Nov. 9TH, 2020.
3. EXISTING WATER AND SANITARY SEWER ARE SHOWN PER INFORMATION RECEIVED FROM HENDERSON COUNTY WATER AND SEWER.
4. THE PROJECT PARCEL WILL BE ANNEXED TO THE CITY OF HERDERSONVILLE , SUBJECT TO APPROVAL FROM THE CITY OF HENDERSONVILE STAFF, PLANNING BOARD AND CITY COUNCIL.

PARKING REQUIRED: ALL PARKING CALCULATIONS HAVE BEEN ESTIMATED BASED OFF OF AVAILABLE INFORMATION ON THE NUMBER OF REQUIRED EMPLOYEES, BEDS AND UNITS.

1 PER EACH INDEPENDENT DWELLING UNIT
1 X 83 UNITS = 83 SPACES
1 PER EACH 10 INDEPENDENT DWELLING UNITS FOR VISITORS PLUS
1 X (80 UNITS/10) = 8.3 VISITOR SPACES
1 PER EVERY EMPLOYEE ON THE LARGEST SHIFT PLUS
1 X (20 EMPLOYEES) = 20 SPACES
1 PER EVERY 4 BEDS FOR ASSISTED LIVING OR NURSING CARE BEDS.
1 X (58 BEDS/4) = 14.5 SPACES
83 + 8.3 +20 + 14.5 = 125.8 (126) PARKING SPACES REQUIRED

5. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
6. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
7. CONFIRM UTILITY SIZE AND LOCATION WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.

WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

8. A PUBLIC SANITARY SEWER MAIN EXTENSION WILL BE REQUIRED FOR THIS PROJECT. THE NEAREST SANITARY SEWER MANHOLE IS LOCATED ±1,200 LF SOUTH OF THE PROJECT LOCATION ON SOUTH ALLEN RD.
9. IN ORDER TO ENSURE THE SITE WILL DRAIN PROPERLY THE ENTIRE PROJECT LIMITS WILL BE CLEARED AND GRUBBED, GRADED AND FINAL STORM DRAINAGE WILL BE PUT IN PLACE IN PHASE 1. PHASE 1 CONSTRUCTION WILL ALSO INCLUDE THE CONSTRUCTION OF THE ASSISTED LIVING FACILITY AND THE MAJORITY OF PARKING AND DRIVEWAY AREAS. PHASE 2 WILL CONSIST OF CONSTRUCTING THE INDEPENDENT LIVING FACILITY AND ADJUSTING PARKING AREAS NEAR THE BUILDING.
10. PROPOSED TREELINE IS SUBJECT TO CHANGE WITH FINAL GRADING PLAN DESIGN AND SHOULD BE CONSIDERED APPROXIMATE AND FOR REFERENCE ONLY.

DENSITY CALCULATION:

MAXIMUM DENSITY: 20 PEOPLE PER ACRE
ALLOWABLE DENSITY: 20 PEOPLE X 8.07 ACRES(OUTSIDE OF RIGHT OF WAY)
161 PEOPLE
PROPOSED RESIDENTS: 95 BEDS + 58 BEDS = 153 BEDS

OPEN SPACE NOTES:

OPEN SPACE REQUIRED: 65% OF PROJECT AREA
351,469 SF (8.07 AC) OUTSIDE OF RIGHT OF WAY
351,469 SF X 0.65 = 228,454 SF
ROOF AND CANOPY AREA: 67,299 SF
VEHICULAR USE AREA: 85,075 SF
REMAINING OPEN SPACE: 199,095 SF (56%)

LANDSCAPE BUFFER NOTES:

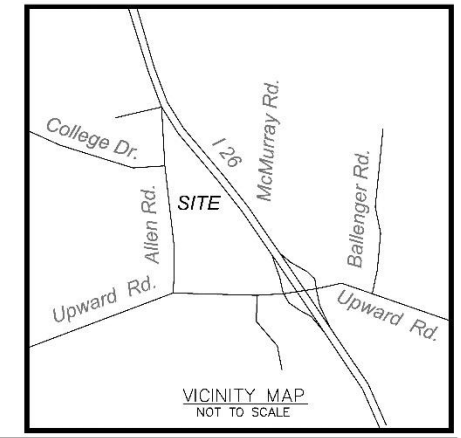
1. STREETYARD:
NO PROPOSED STREETYARD IS REQUIRED DUE TO 60 FT RIGHT OF WAY WIDTH.

2. EASTERN AND SOUTHERN BOUNDARY:
ADJOINING PROPERTY TO THE EAST AND TO THE SOUTH IS ZONED OFFICE AND INSTITUTIONAL. PER SECTION 15-6 TABLE OF BUFFER REQUIREMENTS, INSTITUTIONAL USES ARE NOT REQUIRED TO PROVIDE BUFFERS WHEN ADJOINING INSTITUTIONALLY ZONED PROPERTY. TO THE EXTENT POSSIBLE, EXISTING TREES LOCATED ON THE SOUTHERN PROPERTY BOUNDARY WILL BE MAINTAINED.

3. NORTHERN PROPERTY BOUNDARY:
THE NORTHERN BOUNDARY WILL CONSIST OF AN UNDISTURBED 30' STREAM BUFFER. THE EXISTING LANDSCAPING IN THE EXISTING STREAM BUFFER EXCEEDS THE LANDSCAPE BUFFER REQUIREMENTS AND WILL BE MAINTAINED.

PARKING LOT LANDSCAPING NOTES

1. VEHICULAR USE AREAS WILL REQUIRE 1 TREE AND AT LEAST 2 SHRUBS PER EVERY 4,000SF OF VEHICULAR USE AREA.
2. VEHICULAR USE AREA PROPOSED: 85,075 SF
3. REQUIRED PARKING LOT LANDSCAPING:
85,075 / 4,000 = 22 TREES & 44 SHRUBS
4. PARKING LOT LANDSCAPING PROPOSED:
22 CANOPY TREES (RED MAPLES)
44 EVERGREEN SHRUBS



VICINITY MAP
NOT TO SCALE

SITE DATA TABLE

ADDRESS	471 MCMURRAY RD, FLAT ROCK, NC 28731 (S. ALLEN RD)
OWNER	E. SMYTH HUDGENS
OWNER ADDRESS	5133 BOYLSTON HWY, MILLS ROVER, NC
DEVELOPER	CAROLINA COMMERCIAL CONTRACTORS, LLC
DEVELOPER ADDRESS	PO BOX 159, SANFORD, NC 27331
DEVELOPER PHONE	919-776-4641
PIN#	9588127382
PARCEL SIZE (PER SURVEY)	8.449 ACRES
DEED BOOK/PAGE	394/261
EXISTING ZONING	O&I
PROPOSED ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED AND INDEPENDENT LIVING
SETBACKS	FRONT = 40 FT SIDE = 30 FT REAR = 30 FT
PARKING REQUIRED	126 SPACES
PARKING PROVIDED	132 (INCLUDING 4 HANDICAP SPACES)
SITE DISTURBED AREA	±8.0 ACRES (ESTIMATED)
PROPOSED IMPERVIOUS AREA	±4.0 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
TOTAL BUILDING AREAS (INCLUDING CANOPY OVERHANGS)	±1.67 AC
TOTAL PARKING AND DRIVE AREAS	±2.02 AC
TOTAL LANDSCAPED AND OPEN SPACE	±4.76 AC (4.76/8.449=
COMMON OPEN SPACE REQUIRED	500 SF/UNIT
PROPOSED DWELLING UNITS	141
PROPOSED OPEN SPACE	STREAM BUFFER OPEN SPACE = ±32,235 SF GENERAL OPEN SPACE = ±47,309 SF TOTAL PROVIDED OPEN SPACE = 79,544 SF

DRAWING LEGEND

EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR
EXISTING STORM PIPE
PROPERTY LINE
ADJOINING PROPERTY LINE
SETBACK LINES
EXISTING WATER LINE
EXISTING WATER VALVE
EXISTING FENCE TO REMAIN
STREAM BUFFER
PROPOSED CANOPY TREE
PROPOSED EVERGREEN SHRUB

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

HUMON GRID

PRELIMINARY CIVIL SITE DEVELOPMENT PLANS

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0903 Fax 336-328-0922
Email - info@summeyengineering.com
NC Professional Engineering Firm License No. P-0356

No.	Date:	Description:	By:
A	11-09-20	PER HENDERSONVILLE COMMENTS	ZHG
B	11-23-20	PER HENDERSONVILLE COMMENTS	ZHG
C	11-30-20	PER HENDERSONVILLE COMMENTS	ZHG

PRELIMINARY SITE PLAN
THE LANDINGS OF FLAT ROCK
S. ALLEN RD
HENDERSON COUNTY - HENDERSONVILLE - NC

Scale:	AS SHOWN
Date:	NOV 2020
Drawn By:	MG
Checked By:	MGJ
Job No.:	E-6445

Sheet No. C-3

F:\E-6445 Carolina Commercial - Cory Mabus - East Flat Rock Assisted Living, Hendersonville\PDWG\C-6445 Base P-2020-11-16.dwg, 11/30/2020 12:28:54 PM, Zach Todd Phillips\PDF Printer

City of Hendersonville Community Development Department
100 N. King Street Hendersonville, NC 28792
(828) 697-3010

LIST OF USES AND CONDITIONS

Name/Address: The Landings of Flat Rock
File #: (File # P20-36-CZD)
PIN#: 9588-12-4337

1. STIPULATED USES:

Only the following uses are authorized for the referenced development:

a) Accessory structures
b) Congregate care facilities
c) Home Occupations

2. CONDITIONS:

Shall be attached to the conditional rezoning and satisfied prior to issuance of final Site Plan approval:

City-Initiated Conditions:

a) 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
b) 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.

Developer-Initiated Conditions:

a) Provide a total area open space of 56% rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for the Planned Residential Development Zoning District.
b) Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:

3. REQUIRED ATTACHMENTS

The following shall be attached to the Conditional Rezoning:

a) Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

City of Hendersonville Community Development Department
100 N. King Street Hendersonville, NC 28792
(828) 697-3010

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

Applicant: Agemark Acquisition LLC

Signature: by _____, Manager

Printed Name: Charles E. Trefzger

Date: 6/1/2021

Title within LLC: MANAGER

Property Owner

Henderson Propco LLC

Signature: _____

Printed Name: CHARLES TREFZGER

Date: 6/1/2021

Title Within LLC: Manager

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Alexandra Hunt, Planner I	**MEETING DATE:**	November 8, 2021
AGENDA SECTION:	New Business	**DEPARTMENT:**	Community Development
TITLE OF ITEM:	Standard Rezoning: Shepherd Street (P21-59-RZO) – *Alexandra Hunt, Planner I*		

SUGGESTED MOTION(S):

1. For Recommending Approval:

I move the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-51-3579) from R-15 Zoning to C-4 (Neighborhood Commercial) Zoning District based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of *High Intensity Neighborhood* and that the rezoning is reasonable and in the public interest for the following reasons:

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

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

2. For Recommending Denial:

I move the Planning Board recommend City Council deny the rezoning of the subject property (PIN: 9578-51-3579) from R-15 Zoning to C-4 (Neighborhood Commercial) Zoning District for the following reasons:

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

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

SUMMARY:
The City is in receipt of a Zoning Map Amendment (rezoning) application from The City of Hendersonville to rezone property along Shepherd Street (PIN: 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial.

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

PROJECT/PETITIONER NUMBER:	P21-59-RZO
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Planning Board Staff Report List of Permitted Uses 2. Proposed Zoning Map 3. Draft Ordinance 4. Application

Shepherd Street (PIN9578513579) Zoning Map Amendment (Rezoning) R-15 to C-4 | P21-59-RZO

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

PROJECT SUMMARY 2
SITE CONDITIONS – SITE IMAGES 4
REZONING CRITERIA ..... **Error! Bookmark not defined.**
REZONING CRITERIA ..... **Error! Bookmark not defined.**
ZONING MAP AMENDMENTS STANDARDS: 9
STAFF ASSESSMENT 9
PUBLIC COMMENT 10
PLANNING BOARD - SUMMARY OF ACTION [RESERVED] 10
Summary of Planning Board Recommendations 10
Planning Board Motion 10
RESERVED 10
SUGGESTED MOTION(S) & CONSISTENCY STATEMENTS 10
ATTACHMENTS 10

PROJECT SUMMARY

Applicant: City of Hendersonville

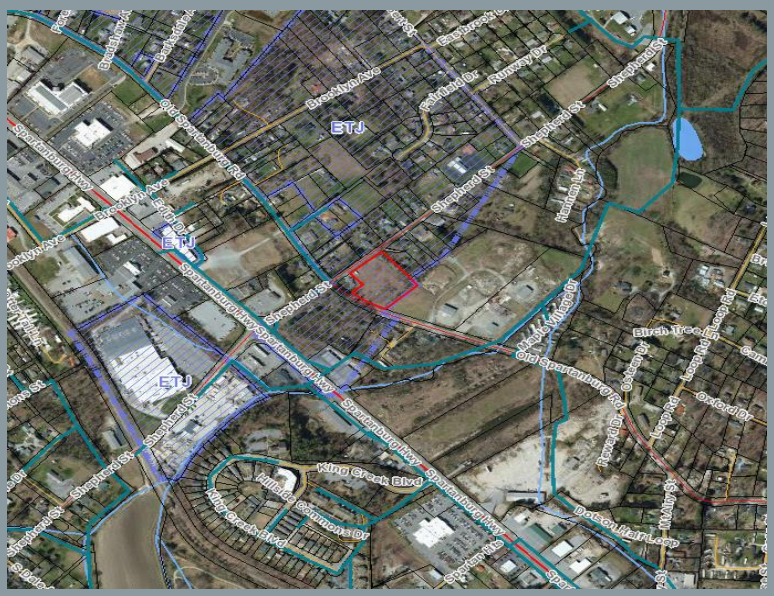
Property Owner: City of Hendersonville

Project Acreage: 2.1

Parcel Identification Number(s): 9578513579

Current Parcel Zoning: R-16 Medium Density Residential

Proposed Zoning: C-4 Neighborhood Commercial



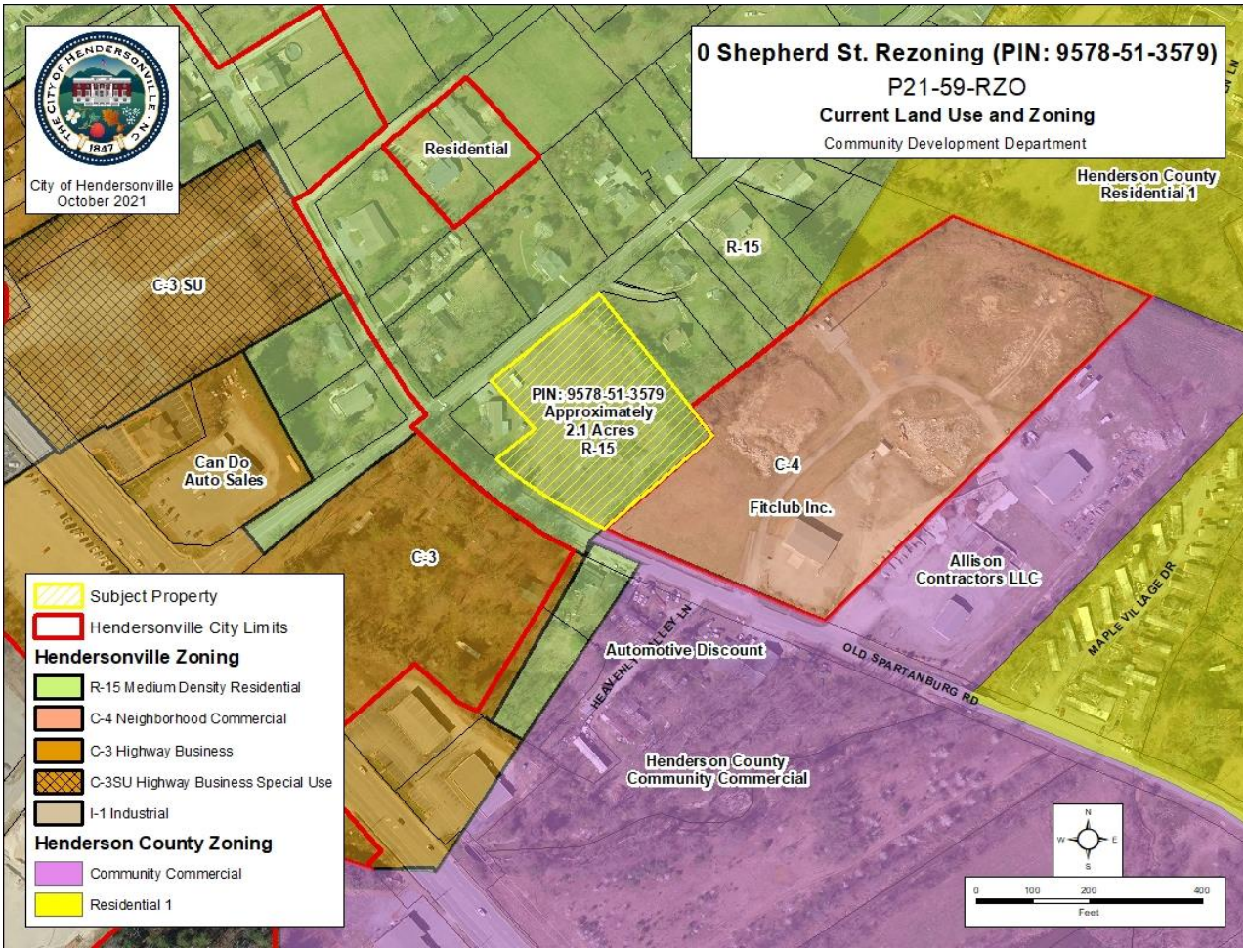
SITE VICINITY MAP

Staff is in receipt of a Zoning Map Amendment (standard rezoning) application from The City of Hendersonville to rezone the property at 0 Shepherd Street (PIN# 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial. The 2.1 Acre (91,476 Sq Ft) site is located in the City's ETJ and is currently a vacant, open lot that is adjacent to Old Spartanburg Highway. The lot is accessed from both Shepherd Street and Old Spartanburg Road.

The proposed rezoning from R-15 to C-4 would be an extension of the C-4 Zoning District that is already present in this area.

As a standard rezoning, there is no binding site plan or restriction of uses beyond what is permitted by the Zoning Code.

PROJECT SUMMARY – CONTINUED



City of Hendersonville Current Zoning Map

The predominant uses in the area around the subject property are residential. However, C-3 Highway Mixed Use and C-4 Neighborhood Commercial are also found concentrated in the vicinity of the intersection of Old Spartanburg Rd and Shepherd St. The subject property sits adjacent to a C-4 Neighborhood Commercial zoning district which is currently operating as a gym/fitness studio. One single-family home sits directly on the corner of Old Spartanburg Rd and Shepherd St. and is surrounded on the side and rear by the subject property. The parcels to the south of the subject property, and across Old Spartanburg Rd, are located in the County's Community Commercial zoning district. Due to this location, the subject property is in a transitional area where land uses are lowering in intensity from commercial to residential as you move east from Spartanburg Highway. The intersection of Old Spartanburg Rd and Shepherd St serves as a node where neighborhood-scale commercial uses or compatible public facilities may be clustered while concurrently being located in close proximity to residential uses.

SITE CONDITIONS – SITE IMAGES

View from Old Spartanburg Rd providing access to the lot. Facing northeast.

View of lot from property line fronting Old Spartanburg Road. Facing northwest.

View of lot from property line. Facing east.

View of property from northeast corner towards Old Spartanburg Rd. Facing south.

View of some site trees and brush along the property line of the adjacent single-family home located northeast of the site. (Zoned R-15-Medium Density Residential)

View of adjacent single-family home on the corner of Shepherd St. and Old Spartanburg Rd.

View of some site trees along the property line of the adjacent lot. Facing southeast from Shepherd St.

View of property line fronting Shepherd St. Facing southeast.

View of property line and Shepherd St. Facing northeast.

Goal LU-7.

High-Intensity Neighborhood. ***Encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.***

Strategy LU-7.1.

Locations:

- o Neighborhoods near Downtown, excluding historic neighborhoods

Strategy LU-7.2.

Primary recommended land uses:

- Single-family attached and multi-family residential
- Planned Residential Developments
- Open space

Strategy LU-7.3.

Secondary recommended land uses:

- Public and institutional uses
- Offices and retail along thoroughfares
- Recreational amenities

Strategy LU-7.4.

Development guidelines:

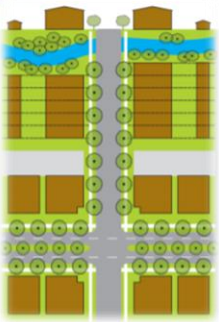
- Eight or more units per gross acre
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers
- At least 60% open space in new residential developments greater than three acres
- 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)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as **High Intensity Neighborhood** on the *2030 Comprehensive Plan's Future Land Use Map (FLUM)*.

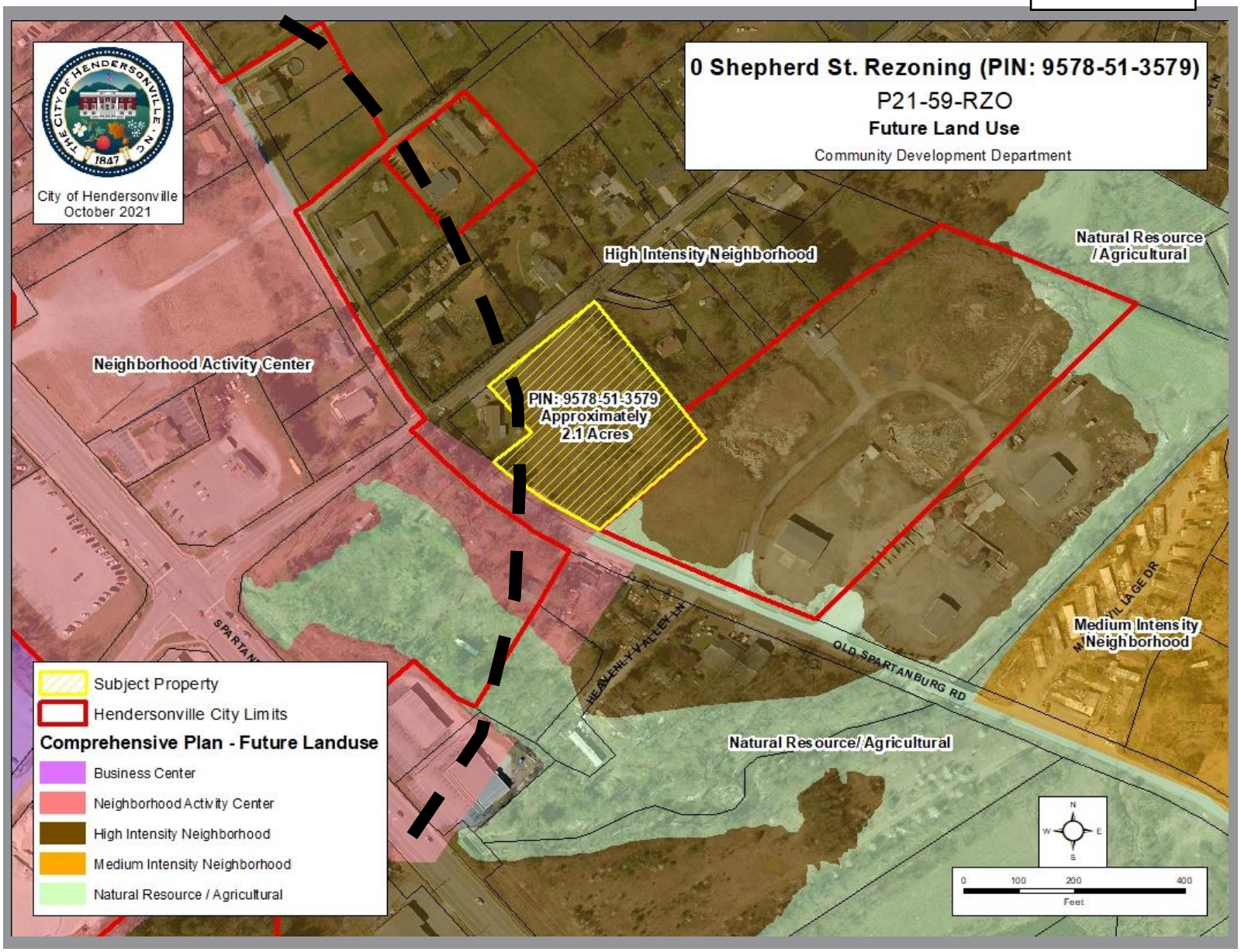
The *FLUM* designates all adjacent parcels as **High Intensity Neighborhood.**

The most relevant goals of the **High Intensity Neighborhood** classification are outlined on this page.



High-Intensity Neighborhood

Example of High-Intensity Neighborhood development



COMPREHENSIVE PLAN CONSISTENCY CONTINUED

The proposed rezoning to C-4 aligns with the Comprehensive Plan's Land Use & Development Chapter with the designation of this area as High Intensity Neighborhood. One of the main purposes of the High Intensity Neighborhood designation is to provide a transition between commercial and single-family development while promoting a walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods. The subject property is also located in close proximity to an Activity Node (dashed line) which are high-density, pedestrian-friendly community focal points that encourage a mixing of neighborhood or regional retail with other complementary uses within a five to 10-minute walking radius. Activity Nodes will act as "satellite" nodes of downtown.

Additionally, the proposed rezoning is in line with the existing uses in the area as C-4 zoning district is present in the area.

ZONING MAP AMENDMENTS STANDARDS:

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

Comprehensive Plan Consistency

The subject property is designated in the Comprehensive Plan's Future Land Use Map as a High-Intensity Neighborhood area which provides a transition between commercial and single-family development. The subject property is also located in an area identified as an activity node which encourages a mixing of neighborhood or regional retail with other complementary uses.

Compatibility with Surrounding Uses

The subject property is adjacent to a C-4 zoning district and is also located in a transitional land use area - defined by its proximity to commercial uses along a major thoroughfare and single-family homes in the surrounding area. The subject property is also located at the intersection of Old Spartanburg Rd and Shepherd St. which serves as a node where neighborhood-scale commercial uses or compatible public facilities may be clustered while concurrently being located in close proximity to residential uses.

Changed Conditions

The subject property is a vacant lot located in a transitional area. A final site plan for a parcel zoned C-3 located to the southwest of the subject property (across from Old Spartanburg Rd.) has been submitted for administrative review. This parcel, which encompasses an area extending between Spartanburg Highway and Old Spartanburg Rd with frontage on Shepherd St, will house a carwash and other undetermined highway commercial uses.

Public Interest

The proposed amendment would allow for the development of neighborhood-scale commercial uses or compatible public facilities that would provide services and contribute to the needs of the residents within the surrounding neighborhoods.

Public Facilities

All public services and facilities are currently available to the subject property.

Effect on the Natural Environment

The subject property is a vacant field with only few mature trees. There is a sparsely vegetated buffer existing on the northeastern boundary line. A landscaping plan will be required for final site plan. A buffer will be required between the subject property and adjacent residential uses.

STAFF ASSESSMENT

Given the compatibility with the Comprehensive Plan goals, proximity of the site to an Activity Node, the surrounding land uses, the existing C-4 zoning adjacent to the site, incentivization of infill development, and the need for additional opportunities to provide for the frequent daily needs of residents of the surrounding residential neighborhoods, the proposal to rezone the property from R-15 to C-4 appears to provide a benefit to the City.

PUBLIC COMMENT

No Neighborhood Compatibility Meeting is required for a standard Zoning Map Amendment (rezoning) application. Staff has posted signs and mailed letters to property owners within 400' of the subject property in order to satisfy code requirements and encourage public engagement.

PLANNING BOARD - SUMMARY OF ACTION [RESERVED]

Summary of Planning Board Recommendations

RESERVED

Planning Board Motion

RESERVED

SUGGESTED MOTION(S) & CONSISTENCY STATEMENTS

SEE COVER SHEET

ATTACHMENTS

1) List of Permitted Uses in C-4
2) Proposed Zoning Map
3) Draft Ordinance
4) Application

1) List of Permitted Uses in C-4

5-9-1 Permitted Uses: The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units

Accessory uses & structures

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Automobile car washes so long as no attendants are employed on the premises

Banks and other financial institutions

Business services

Convenience stores with or without gasoline sales

Dance and fitness facilities

Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area

Garage apartments

Home occupations

Laundries, coin-operated

Music and art studios

Offices, business, professional and public

Parks

Personal services

Religious institutions

Residential dwellings, single-family

Retail stores customarily serving neighborhoods and designed to serve a neighborhood

Service stations

Signs, subject to the provisions of Article XIII

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

5-9-2 Special Uses: The following uses shall be permitted in the C-4 Neighborhood Commercial Zoning District Classification only upon issuance of a Special Use pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

Bed & breakfast facilities

Child care centers

Civic clubs & fraternal organizations

Pet-sitting

Public utility facilities

Restaurants

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS OF THE CITY OF HENDERSONVILLE (PIN - 9578-51-3579) BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO C-4 (NEIGHBORHOOD COMMERCIAL) DISTRICT

IN RE: Shepherd St. (PIN - 9578-51-3579)
(File # P21-59-RZO)

WHEREAS, the City is in receipt of a Rezoning application from the City of Hendersonville.

WHEREAS, the Planning Board took up this application at its regular meeting on November 8, 2021; voting __ to __ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 2, 2021, 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 9578-51-3579 from R-15 (Medium Density Residential) to C-4 (Neighborhood Commercial) District
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 2nd, day of December 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

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

Zoning Ordinance Map Amendment

Section 11-1 of the City Zoning Ordinance

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

- ☑ 1. Completed Application Form
- ☑ 2. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 3. Application Fee

A. Property Information

Name of Project: Shepherd St. - Rezoning

PIN(s): 9578-51-3579

Address(es) / Location of Property: No assigned address

Type of Development: ☐ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: R-15 Medium Density Residential

Proposed Zoning: C-4 Neighborhood Commercial

B. Adjacent Parcel Numbers and Uses

PIN: 9578511568 **Use:** Residential

PIN: 9578514793 **Use:** Residential

PIN: 9578519624 **Use:** C-4 Neighborhood Commercial

PIN: _____ **Use:** _____

PIN: _____ **Use:** _____

Office Use:
Date Received: _____ **By:** _____ **Fee Received? Y/N**

C. Applicant Contact Information

John Connet

* Printed Applicant Name

City of Hendersonville

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other:

X John Connet

Applicant Signature

City Manager

Applicant Title (if applicable)

160 6th Ave E

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-697-3000

Telephone

N/A

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.

D. Section 11-1 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 proposed amendment is consistent with the Comprehensive Plan in that it would take the subject property that is currently zoned R-15 to C-4 Neighborhood Commercial which is already present in the area. Additionally, the Comprehensive Plan's Future Land Use designation for the subject property is High Intensity Neighborhood which provides a transition between commercial and single-family development and includes both residential and public and institutional uses.

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. (Also, see NCGS 160-601 (d) Down-Zoning)

The predominate uses in the area around the subject property are residential. However, C-4 Neighborhood Commercial and C-3 Highway Mixed Use are also present in the surrounding areas. The subject property is in close proximity to Old Spartanburg Highway which runs north and south acting as a transition from C-3 Highway Mixed Use to R-15 Medium Density Residential. Additionally, an adjacent property to the subject property is zoned C-4 Neighborhood Commercial making the requested amendment an extension of a zoning district currently present in the area.

c) **Changed Conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

The subject property is currently a vacant lot that is located near an area designated as an activity node on the Comprehensive Plan's Future Land Use Map and the proposed amendment would allow for neighborhood-scale commercial uses or compatible public facilities that would contribute to the needs of the residents within the surrounding neighborhoods.

D. Owner Contact Information

John Connet

* Printed Applicant Name

City of Hendersonville

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: _____

X _____

Applicant Signature

City Manager

Applicant Title (if applicable)

160 6th Ave E

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-697-3000

Telephone

N/A

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.

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 heath, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning)

The proposed amendment would contribute to the C-4 Neighborhood Commercial zoning district already present in the area. The purpose of this zoning district classification is to provide for the most frequent daily needs of residents to an immediate neighborhood. The surrounding uses to the subject property are predominately residential areas and the proposed amendment would contribute to the needs of the residents within the surrounding neighborhoods.

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. (Also, see NCGS 160D-601 (d) Down-Zoning)

All public services and facilities such as water supply, wastewater treatment, fire and police protection and transportation are currently available to the subject property.

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, storm water management, streams, vegetation, wetlands and wildlife.

The proposed amendment would not result in an adverse impacts on the natural environment. The subject property is an open, vacant lot consisting mostly of grasses and shrubs with minimal mature trees located on the northeastern boundary of the subject property.

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

_____
*Printed Owner Name

_____
Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

_____
Property Owner Signature

_____
Property Owner Title (if applicable)

_____
City, State, and Zip Code

_____
Telephone

_____
Email

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

* 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.