



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, June 13, 2022 – 4:00 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - A. Minutes of May 9, 2022
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - A. Rezoning: Conditional Zoning District – AAA Storage (P22-37-CZD) – *Matthew Manley, AICP – Planning Manager*
 - B. Rezoning: Standard Rezoning – Erkwood Dr - Kilpatrick (P22-48-RZO) – *Matthew Manley, AICP – Planning Manager*
 - C. Rezoning: Standard Rezoning – Upward Rd-Justus-Erwin (P22-49-RZO) – *Matthew Manley, AICP – Planning Manager*
 - D. Rezoning: Standard Rezoning – Edwards Park (P22-52-RZO) – *Matthew Manley, AICP – Planning Manager*
 - E. Zoning Text Amendment: Sidewalk Requirements (P22-46-ZTA) – *Matthew Manley, AICP – Planning Manager*
6. **OTHER BUSINESS**
7. **ADJOURNMENT**

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

**Minutes of the Planning Board
Regular Meeting - Electronic
May 9, 2022**

Members Present: Jim Robertson, Chair, Neil Brown, Tamara Peacock, Barbara Cromar, Frederick Nace, Peter Hanley, Jon Blatt (Vice-Chair)

Members Absent: Stuart Glassman

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

- I Call to Order.** *The Chair called the meeting to order at 4:00 pm. A quorum was established.*
- II Approval of Agenda.** *Ms. Peacock asked that Item D be moved to Item C on the agenda. Mr. Brown moved for the revised agenda to be approved. The motion was seconded by Mr. Hanley and passed unanimously.*
- III Approval of Minutes for the meeting of April 11, 2022.** *Mr. Hanley moved to approve the Planning Board minutes of the meeting of April 11, 2022. The motion was seconded by Mr. Nace and passed unanimously.*
- IV Old Business**
- V New Business**
- V(A) Conditional Zoning District – Washburn Tract (P22-19-CZD).** Mr. Manley gave the following background:

The city is in receipt of an application for a Conditional Zoning District from Mike Washburn, applicant. The applicant is requesting to rezone the subject property, PIN 9579-11-8417 and 9578-39-5229 and located off of Tracy Grove Road from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family/single-family development consisting of 300 apartment units and 160 single family homes on approximately 162 acres with a density of 208 units per acre.

Mr. Manley gave the rezoning history of the project which is listed in the staff report. He pointed out the changes on the site plan from the previous application. Wilmont will be widened and improved and the access for the property has changed.

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

Site photos were shown. This was a former agricultural site used as farmland.

The Future Land Use Designation is Medium Intensity Neighborhood and Natural Resource/Agriculture. The uses surrounding the property were discussed and are included in the staff report.

Mr. Manley gave an overview of the conditions from city staff. These conditions are included in the staff report. The Floodplain Administrator's two conditions were agreed to by the developer.

A TIA was done which shows 3,244 daily trips. There are some outstanding comments on the TIA. The comments from Kimley-Horn were discussed and are included in the staff report. It was stated that the engineer felt like traffic would use the Wilmont Drive access. A right turn lane was discussed off of Tracy Grove Road at the intersection at Dana Road. There are three mitigation measures that the developer has agreed to, and one they did not agree to. That condition would need to be added to the motion.

Comprehensive Plan Consistency was discussed. Each chapter is included in the staff report.

General Rezoning Standards were discussed from the staff report. The wetlands were discussed.

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

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

The Tree Board conditions were read and are included in the staff report.

Discussion was made on the widening of Wilmont Drive and the 70' right-of-way with sidewalks.

The apartments and single family lots are unchanged.

A Neighborhood Compatibility meeting was held on March 18th. Issues raised were traffic and existing road conditions along with the previous agricultural use of the property and flooding.

Mr. Manley explained the Bowen Study and the need for affordable housing and the housing gap in Henderson County.

Mr. Blatt asked about the TIA and if the information was just projections of what the traffic would be. Mr. Manley stated yes, it is just a forecast from the study. They project that 80% of the traffic will use the access that is labeled #1 on the site plan. Some percentage will use the Wilmont access.

Discussion was made concerning the second access and the distribution of traffic. The right-of-way was discussed and stated that NCDOT would approve any right-of-way on Tracy Grove Road. There was discussion on the traffic pattern and the right turn lane. Existing right-of-way for a turn lane will need to be determined by NCDOT. A left turn lane was also pointed out.

Mr. Manley stated future and approved projects were taken into account for the TIA. Duncan Hill, 7th Avenue, 64 were all taken into consideration on the TIA. The improvements that may be needed were not placed on this project. If traffic is already a problem at these intersections, it is not from this development because the traffic is already currently an issue. The intersection improvements at Tracy Grove and Dana Road are reliant on existing right-of-way or they would have to acquire additional right-of-way so any of these improvements that are a DOT right-of-way are something that will have to be explored and figured out and if they are part of the conditions of any approval they would have to be done and if they can't be done the project would be coming back through the process as a modification to the approved site plan.

Chair asked if the city has seen a memorandum of understanding between the developer and Conserving Carolina. Mr. Manley stated no but a representative of Conserving Carolina is here.

There were no further questions for staff.

Mike Washburn, applicant stated the response back that the request in the TIA was an unreasonable request is actually due to the timing of it. It was 4:30 in the afternoon this past Friday and their traffic engineer could not respond fast enough for this meeting to be able to answer any questions. This was one of the regards on the updating of the TIA. It had been submitted a couple of times and on this past Friday at 4:30 they needed more updates and that was one of the issues. Chair stated so they are willing to redistribute that, but they would not have it ready for this meeting. Mr. Washburn stated correct.

David Hyder, Engineer for the project explained the traffic pattern and the accesses. He stated the timing of the request was unreasonable. Mr. Hyder clarified they are talking about whether to redistribute the traffic or to re-do the whole thing all together. He stated they began the process in December and worked with staff and DOT through the process. This draft went to staff in the middle of April. This was off-putting to him, coming back needing more on a Friday afternoon.

Discussion was made on how long it would take to re-do the TIA. Mr. Hyder stated mid-June. The Board discussed the traffic pattern and turn lane. Chair stated he did not understand why 80% of the traffic is directed at one access and only 20% at the other. Mr. Hyder stated at the time it made sense and it went through your staff, NCDOT and the traffic consultant. Someone should have caught it earlier in the process.

John Kinnard stated Wilmont will be a bit wider at 26 feet and the narrow access will be 20 feet. Mr. Blatt asked if they own the land or is it an easement. Mr. Kinnard stated they own it, but it is a small sliver of land. Mr. Blatt asked if he read correctly that is going to be a condition or a variance to what is required for a road normally. Mr. Holloway stated that is correct. Our subdivision standards require a particular right-of-way width and then street profiles. The right-of-way width is 45 feet, and the street profile is 11-foot lanes. The condition is to allow for the construction of the street as proposed within the right-of-way that they have. Mr. Kinnard stated Wilmont is a little less than 20 feet currently.

Ms. Cromar stated they are widening Wilmont to 26 feet and the other access will be two-way at 20 feet, correct? Mr. Kinnard stated that is correct. They agreed to do 22 feet.

Discussion was made on the height of the buildings. There is a mix between two and three stories. The dumpster areas were shown and stated there will be two dumpster units. Single homes will have their own garbage cans.

Chair stated on February 14th, a Monday this project was brought before this Board and discussed for almost two hours and when Mr. Washburn didn't like how it was going, he withdrew the application. Now it is two months later, and he has brought the same application back to them again. Can he explain this? Mr. Washburn stated Mr. Brown was going to offer a motion to deny it because of traffic, environment and affordable housing and they did not have a good grasp on this. They did not have anyone here to speak on the environment and the traffic was still up in the air. They needed time for the improvements on traffic and now they have someone from Conserving Carolina here and they are also addressing the affordable housing. It should have been deferred and not withdrawn to get those answer for you.

Tom Fanslow, Land Protection Director for Conserving Carolina passed out a site plan they had. He talked about the floodplain on the tract and this being a great opportunity for them. He discussed the ditches in the floodplain and the bogs in the area. They had been interested in this tract since the late 1990's. A state rare plant conservation is conserved on the site. He discussed mountain bogs and the wetlands in the mountains. He stated this area can be owned by a private party if they put permanent conservation restrictions on the land and if the conservancy will hold those restrictions on the land. Greg Jennings did the site plan and showed on the plan the areas they are interested in restoring. They may restore the bog habitat, but it will require a lot of study. He discussed bringing back the habitat that was lost and that is

called enhancement of the resources that are there. They have a grant pending on this. He discussed having a pollinator habitat on the upland area. This is an area that would be mowed every one to five years keeping a rich array of wildflowers for pollination.

Mr. Brown stated regarding the unique organisms that are already there, what specific monitoring will be done during construction, who will be doing it and what happens if excess silt or chemicals start filtering into this endangered area. He stated Greg Jennings only looked at the stormwater mitigation measures from their point of view which is protecting those heritage values that you just addressed. Based on his findings they do not believe the stormwater coming off this development will impact the plant conservation preserve habitat where the rare bog is or that area adjacent to it on the Thomas property. Mr. Brown did not find a lot of comfort in that. Mr. Fanslow stated that was noted but stated both the state and federal agencies have been in contact with them on other projects they have done. They monitor the properties at least once a year and for rare habitats which are monitored more than once a year. Mr. Brown asked what specific things he is monitoring and how are they monitoring them. What are they testing? What does he intend to test and measure here to make sure it is not going downhill as an accidental result of the construction? Mr. Fanslow stated he could not answer that question, Greg Jennings would have to answer that.

Discussion was made on the swamp and why it is not being talked about. Mr. Fanslow stated it is not in the blue area and does not need to be touched. They will make sure there are no alterations to it. It is already doing a good job just how it is.

Mr. Blatt asked if this swamp area is part of the open space calculations. Mr. Holloway stated yes, it is. Mr. Blatt asked if they have enough open space without the use of the swamp. Is there some way this swamp land could be conveyed to Conserving Carolina? Mr. Fanslow stated they are putting the property being developed in the hands of staff and the Planning Board to make sure it is built the way it should be. Conserving Carolina is only interested in the conservation area, and they have been interested in this area for 20 years. They would be thrilled to take any title of land that was available in the floodway.

Discussion was made on what they can do to protect the floodplain from silt and other materials. Mr. Fanslow stated they are not at that point of having the engineers discuss this yet. Greg Jennings would answer any questions the Board may have.

Mr. Fanslow stated there are other eyes from the state and federal level that will be looking at the site.

Mr. Manley stated if the swamp was taken out of the open space calculations you would still have 70% open space and they are at 86% now which is well over the 60% requirement for open space. Mr. Blatt stated he felt like donating this swamp area to Conserving Carolina would be the right thing to do if this moves forward.

Mr. Washburn stated Ashlynn McCoy was on the line concerning affordable housing if they have anything to ask.

Affordable housing was discussed. Mr. Washburn stated they are planning to sell Housing Assistance some lots at a deep discount so that they can build affordable housing and Ashlynn McCoy is on the zoom call. They have a certain price they can pay for affordable housing and be able to meet the price point. They are willing to do that and are structuring a deal with them. Mr. Brown asked how many lots and what are the price points on the lots. Mr. Washburn stated the price points on the lots would be \$40,000 and there would be six lots. Mr. Washburn stated he is fully agreeable to this, and it could be made a condition.

Brian Gulden, Attorney in Asheville stated he is assisting Mr. Washburn in this application. He discussed planning and the laws as it relates to zoning and conditional rezoning. The statutes are contained in 160D

Chapter 703 and 160D 604 of the North Carolina General Statutes. He handed out documents that came out of Hendersonville's Long Range Comprehensive Plan. The 2030 Comprehensive Plan. He stated the Comprehensive Plan is a good guide. It is not legislative, and it is not enforceable. It is a suggestion on where this town wants to grow up until 2030. It is to be used by city staff, the developers and the citizens as a guide. He discussed this area being Medium Intensity Neighborhood and this area has been deemed an area of opportunity for development. This area is slated for development and should be a Medium Intensity Neighborhood. He discussed what the Medium Intensity Neighborhood is described as in the Comp Plan. He discussed the property being on a major or minor throughfare as the zoning ordinance states. The zoning ordinance is by law and must be followed. He discussed Tracy Grove Road being a minor throughfare. The Subdivision Ordinance talks about access and the Comp Plan talks about location. The Subdivision Ordinance regulates the street access. He pointed out that it states in cases where a tract of land abutting an expressway or a boulevard street is proposed for a subdivision, all the lots created shall maintain sufficient frontage on a different street either pre-existing or created as part of the subdivision so that direct access to lots need not be provided by the expressway or boulevard street. They want the multi-family development to have ease of access onto the boulevard but not direct access. This is done for safety and this development provides that. They may have to run a new site plan if the Board wants it. They have changed this plan and modified it and satisfied the conditions and the goals of the Land Use Plan. He discussed Chapter 7 and land use development. It was this city's idea to have this type of development in this location. They ask for a favorable recommendation. He talked about the improvements they are planning to make.

Chair asked Mr. Washburn that after two hours on the 14th he brought this gentleman in to explain to them a document that they use all the time. Where is the access to Four Seasons Boulevard from their development? Mr. Washburn stated there is no access from Four Seasons Boulevard. Chair asked Mr. Gulden to read the primary use of a Medium Intensity Neighborhood. Mr. Gulden stated the Subdivision Ordinance does not allow them to have access from Four Seasons Boulevard. Mr. Gulden stated the access is off of Tracy Grove Road, which is a minor throughfare, which the Zoning Ordinance specifically says access to this type of multi-family development has to be off a major or minor throughfare. Chair stated he asked for the primary use of a medium intensity neighborhood. Mr. Gulden stated it is going to say single family, detached. Chair stated this Board utilizes this document all the time. Mr. Gulden stated the Subdivision Ordinance does not allow access onto Four Seasons Boulevard. He stated they have to abide by the law and the law says they are prohibited from having access straight off that boulevard and it sends them to Tracy Grove Road for the access by declaring that a minor throughfare. That is required in the Zoning Ordinance.

Chair asked staff if widening Wilmont makes it a minor throughfare. Mr. Holloway stated the standards in the Subdivision Ordinance that they are using are for a minor throughfare. Minor throughfares are established by the Comprehensive Plan and if there is a conflict in the Comp Plan and an ordinance or change the Council adopts, it by default amends the Comprehensive Plan. The short answer is yes, by making the change and adopting the ordinance and approving the plan the Comp Plan would be amended.

Mr. Nace asked for clarification on the entrance to the subdivision. Mr. Holloway stated both will be public streets. The entrance into that subdivision would be at the intersection of Wilmont. Mr. Manley stated as well as the access from Tracy Grove Road.

Clarification of parking was made. They are in excess of the minimum parking requirements. They left a tree and removed a parking space. Mr. Kinnard stated the requirement was for 465 spaces, they were providing 515 but it is closer to around 500 now.

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

Chair opened the meeting for public comment.

Janet Moore, 305 Dellford Court had concerns about this proposal not being acceptable as the developer has not made any changes from the previous submittals. She was concerned about the widening of Wilmont and the traffic issues. Four Seasons, Dana and Tracy Grove are already overcrowded. Having 460 units will cause a major back-up. She asked the Board to consider the number of vehicles this would place on the already overcrowded roads.

Mary Alt, 209 E. Dogwood Lane had concerns about the inconsistencies with the 70-foot right-of-way. Mr. Holloway explained the right-of-way to her. She also had concerns about the traffic. She understands the need for housing, but this is not the location for it. This is a unique area with bogs, and she feels like single-family would be more appropriate and not a large apartment building.

Mary West, 444 and 446 Tracy Grove Road had concerns about the traffic issues and the cars already backing up at the intersection of Tracy Grove and Dana Road. She talked about other developments causing more traffic already in this area.

Zoom:

Ken Fitch, 1046 Patton Street had concerns about the site plan being dysfunctional and having major impacts on the existing neighborhoods. The connection to Tracy Grove Road is dangerous. He was concerned about the National Wildlife Refuge. Protecting the bogs are important.

Lynne Williams, Chadwick Avenue was concerned about the residents being worn out after 30 hours of public meetings. She felt this development is too dense. Traffic is an issue. Multi-family on minor thoroughfares cause issues. She had concerns about flooding. The Board should consider what would be best for this land.

Dr. Voegelé, 218 Tracy Grove Road had concerns about the amount of pollution from the traffic this will generate. She also had concerns about firewalls on attached buildings. Mr. Holloway stated that is building code requirement. She had concerns about the large amount of people in this small area and also had concerns about a recession and more people moving in with family members.

Chair closed the public comment when no one else spoke.

Chair asked Mr. Washburn about other family members being allowed to move in. Mr. Washburn stated that would be regulated.

Discussion was centered around the traffic and if the Board had the authority to base their recommendation centered around the traffic if the developer meets all the TIA requirements. If all requirements are being met by the Zoning Ordinance, then other issues are secondary. The access is critical. 2.8 units per acre is quite low and they are allowed to use the sloping land. Is this a project that is in the public interest? It is a good piece of land, and they are doing what they need to do on the environmental issues. The environmental issues did concern some Board members. The lighting was also a concern. Monitoring silt levels was also a concern. Mr. Brown would like to see the Conserving Carolina plan for the critical areas.

Ms. Peacock stated the City Attorney advised her to recuse herself as she rents office space from the Thomas family.

Chair had concerns about the traffic on Wilmont Drive and the access on Tracy Grove Road. He was concerned about the number of units and the access proposed. Mr. Holloway explained Kimley-Horn recommending only one access from Tracy Grove. They felt like having two accesses from Tracy Grove

was not safe and would not be feasible. Tracy Grove having no shoulder and safety concerns about the access were discussed.

Mr. Brown moved the Planning Board recommend City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN 9578-39-5229 & 9579-11-8417) from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4. 2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: The Comprehensive Plan's Future Land Use designation of Medium Intensity Neighborhood does not recommend multi-family on minor throughfares. Therefore, Tracy Grove Road's classification as a minor throughfare does not support dense residential development and there is no clear and specific plan to monitor any potential environmental degradation in an environmentally sensitive area nor is there any specific plan to prevent any degradation from recurring as the construction continues. Chair seconded the motion.

Chair stated he would like to remove the environmental. He wants to base it on the fact we are doing multi-family on a minor thoroughfare because it is vague. Mr. Brown stated the point of the environmental is because the environmental approach is vague. Chair understood and it is an environmentally sensitive area but denying the development based on the fact no one will be monitoring that environmentally sensitive area, he just doesn't know that is true. It could be, but Conserving Carolina might hire an expert to be down there every day. Mr. Brown stated what his second point is calling for was for that specific plan however they are going to be doing it. Chair stated it is a little cut and dry, but he would second it if he removes the environmental part. Mr. Brown asked for thoughts from the Board if Chair will allow it. Chair allowed. Ms. Cromar stated she would take the second part and massage it until it hit about a sentence because it is an important part of it for the denial unless you go to pass it and then it is a condition. Chair stated it was a little ambiguous. Ms. Cromar stated it is a condition for passing. Mr. Blatt stated they have had many projects over the years that had streams through them, and this question has never come up that he can recall, that anyone wanted to turn it down because they weren't clear on the environmental part. The city has a strong stream setback ordinance and there are all kinds of environmental rules any developer has to follow. He knows the Army Corp of Engineers is always involved with waterways. This one has a little more environmentally sensitive areas, but he doesn't think anything has ever been turned down here before over the question of the second part of your motion. Mr. Nace stated they have seen a lot here lately and a couple of times City Council has not gone with the Planning Board's recommendation and there is one reason for that because they are making recommendations for denial or approval based on the preferences as opposed to ordinances. He thinks the applicant's interpretation of the ordinance is correct and this is on a major throughfare, and the ordinance does say the entrance shall not attach to that major throughfare. It is in the black and white of the ordinance. He thinks when City Council looks at it and we give that as a reason, they are just providing them the need to go against their recommendation. He has the same concerns on the environmental aspect of it but they have to look at Conserving Carolina, Fish and Wildlife and the fact that it is a National Refuge now so who is monitoring it today. Are we going to hold developers to a higher standard than the Federal Government? He doesn't really think they can. If you want to move for denial on this the only reason, he can see is the traffic analysis. That's the only black and white objective reason they could use and that is not even one of the reasons in this motion. Mr. Brown stated based on those comments and against his wishes he accepts the Chair's friendly amendment to his motion for denial.

Mr. Brown amended his motion to exclude the second reason concerning the environment from his motion. Chair seconded the motion. The vote was three in favor and three opposed. Motion failed.

Mr. Blatt moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN 9578-39-5229 & 9579-11-8417) from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District based on the site plan and list of conditions submitted by the applicant dated March 2, 2022 and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses, Residential dwelling – single family and Residential dwellings – multi-family. 2. Permitted uses and applicable conditions presented on the site plan shall be amended, he believes the site plan does need to be amended for several reasons based on the proposed site trip distribution a right turn land may be warranted at the intersection of Tracy Grove Road and Wilmont Drive. TIA should be revised based on the comments from Kimley-Horn dated May 5th 2022. 3. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The Medium Intensity Neighborhood designation calls for Planned Residential Developments as a secondary recommended land use and the proposed site plan aligns with development guidelines under strategy LU 6.4. 4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing because: The development is near US Highway 64 commercial corridor, an area of the city experiencing on-going development and redevelopment. The addition of multi-family and single-family residential addresses an ongoing supply need and is in keeping with the surrounding land uses which is single family homes and multi-family is approved all the time in the city. 3. There is a proposal to conserve by Conserving Carolina, a conservation easement, the flood plain area on the site, including efforts to restore the ecological function of this important area is a general public good for the community. 4. The site plan clusters development impacts away from the Natural Resource/Agriculture designated portions of the site, aligning with guidance from the Natural & Environmental Resource Chapter of the Comprehensive Plan. 5.. Greenway construction and ROW dedication adds to existing greenway network and aligns with specific goals established for greenways.

Mr. Manley noted there was an amended staff report that was sent later and there are two bullets that reference the Bowen Study that can be used at their discretion. Mr. Blatt did not modify the motion.

Mr. Nace seconded the motion. The vote was four in favor of and two opposed (Chair, Brown). Motion passed.

The Board took a five-minute recess at 6:25 pm reconvening at 6:30 pm. Chair stated public comment would be limited to three minutes and the developer's presentation to 10 minutes.

V(B) Conditional Zoning District – Duncan Terrace (P21-79-CZD). Mr. Manley gave the following background:

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

The site plan shows six three-story multi-family structures, a club house and a pool. This includes 12 three-bedroom units, 72 two-bedroom units and 48 one-bedroom units.

There are two proposed conditions from the Community Development Department, and both have been agreed to by the developer. Those are included in the staff report. Mr. Manley explained the sidewalk proposed at Baldwin Hill Road and why it was going in that location.

The numbers from the TIA were discussed and are included in the staff report. All the TIA requests have been agreed to by the developer. There is some data excluded from the TIA. The city's engineer has requested this be addressed.

There were two developer proposed conditions and those are included in the staff report. Mr. Manley stated the private lift station is under review.

The Tree Board conditions were shown and are included in the staff report. All were agreed to by the developer except one that was countered with the developer agreeing to plant 87 trees from the recommended species list on site.

A Neighborhood Compatibility meeting was held December 9, 2021. Concerns were related to the amount of development in the area, traffic, future NCDOT improvements, impact on environment and density.

Site photos of the property were shown.

The Future Land Use is High Intensity Neighborhood.

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

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

The Bowen Study was discussed. The housing gap was discussed. 25% of these units will target that gap.

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

The developer has agreed to revise the TIA.

Mr. Blatt wanted clarification on the density. Mr. Manley stated 84 units is what the current zoning would allow. This was from the previous development approval.

Mr. Brown wanted clarification on 25% of the units being affordable housing, his calculations show more like 35%. Mr. Brown stated it would be 33 units and not 45.

The Palisades project was discussed, and Mr. Manley stated a site plan and NCM was held but staff has not heard anything further from the developer.

Chair asked for clarification on the TIA. Mr. Holloway stated in the staff report you will find the full comments from Jonathan at Kimley-Horn. He has identified some inaccuracies and therefore he made some suggested mitigation measures which the developer had agreed to in addition to a revised TIA.

Sight distance was discussed, and Mr. Manley stated NCDOT would have to sign off on any sight distance or triangles.

Discussion was made on drive aisles and turn arounds.

Mr. Nace asked for clarification on affordable housing and conditions. Mr. Holloway stated they do not have a standard as a city that allows them to stand on and require affordable housing. The developer has proposed the affordable housing condition, it was not suggested by city staff. It is for a 10-year period of time and be enforced by an annual report from the property manager. It is not a low-income housing tax credit project. It does not have an outside entity enforcing the income standards. The city has a similar relationship with the Grey Mill that submits an annual report sharing the units they have been rented to low- or moderate-income individuals.

There were no further questions for staff.

Leah Bergman, developer and managing member of Lee Ray Bergman LLC introduced the team. She gave a brief presentation of the project and stated this is a 132-unit, multi-family development of luxury affordable workforce housing. Market rate in Hendersonville is very strong. She discussed her development in Rutherfordton. She showed the exterior design and the interior finishes. The amenities were also shown. She presented a site plan. She discussed the lift station and stated it would be private until sewer was available. There will be an on-site maintenance and a property manager on site. They would like to start in late summer and have residents in the units by this time next year.

Ms. Bergman read a letter addressed to Mr. Holloway from the Town Manager of Rutherfordton, a copy is on file.

Mr. Holloway clarified the 2,100 linear feet is gravity, there is existing sewer that would require the pump station basically at the southwestern corner of the property. It's not 2,100 feet away and so the condition that the developer is requesting is that they be allowed to use the pump station to do the project which is something this Board could recommend for approval and the Council could consider or not. The conversations Ms. Bergman has been having is with Water and Sewer who prefer to avoid pump stations at all costs, mostly because of ongoing maintenance. We do have pump stations but they try to avoid them but there is a cost and ability concern by the developer.

Chair asked what happens to the affordable housing units after 10 years. Ms. Bergman stated the affordability will drop off by vacancy. They will not kick anyone out and they can stay affordable as long as the approved tenant is living there.

Mr. Brown stated they have precedent with Grey Mill to do 15 years, would she be willing to for 15? Ms. Bergman stated she believes so. Mr. Brown asked if this could be done as a condition. Ms. Bergman was agreeable to that. Mr. Brown stated under the previous zoning for 84 units one of the acceptable conditions was external site lighting in accordance with International Dark Sky recommendations subject to ADA and housing financing requirements. Would she be willing to accept that condition as well? Ms. Bergman stated yes.

There will be no storage units as they have run out of space.

Ms. Peacock talked about pushing and pulling the building a bit and the northwest corner and the units at the bottom of the site don't have much parking so she anticipates people will cross from one to another to get to their unit and there is no sidewalk to connect it to the other parking lot. Ms. Bergman stated they have not done a final grading plan and they will work with staff on this issue.

Chair asked if the apartments that are 25% affordable, will they have use of the same amenities. Ms. Bergman stated yes.

Chair opened the public comment.

Glenn Lange, 623 Ferncliff stated he is a member of the Hendersonville Tree Board. He stated they are concerned about this property because it is one of the only remaining wooded tracts left in Hendersonville. They are not against development but believe this development could incorporate additional tree planting for all the trees that are going to be removed. There are 322 trees on this property. The majority of those are going to be removed. The recent plans show they will preserve only 50 trees. He is here from the Tree Board to request that the Board add a condition of their own in the motion assuming they approve the project to support their proposal of planting an additional 75 trees. He discussed the grass planting for the site and how they could plant additional trees in that location. They prefer they be large or medium caliper trees.

Lynn Clark, 343 Yon Hill Road stated her concerns were all the new development in her area and the trees no longer there and being removed. She does not believe this apartment building is the best fit. Traffic is also an issue. She understands the housing needs, but they are losing trees and grass and this is just not the best fit. Is this start of one apartment building after another? The housing situation is not unique to Hendersonville. Housing needs are everywhere.

Ester Padula, 167 Brevard Knoll Drive stated her concerns were beautiful trees being taken out. She moved here a year ago and didn't know this area was already zoned for apartments. She also had concerns about the wildlife. Once the housing is built the damage is done.

Zoom:

Lynne Williams, Chadwick Avenue had concerns about the blind hill on Signal Hill and the access to the development not being safe. She had concerns about the traffic, the habitat and the character of the area.

Ken Fitch, 1046 Patton Street had concerns about the already hazardous intersection. This is a huge impact on the existing neighborhood with the increase in the number of units. This is a problematic traffic node. He discussed the future NCDOT plans for a roundabout. He was concerned about the compatibility of the character in the area if all these developments are built. Traffic is already an issue.

Chair closed the public comment.

Discussion was centered around the trees and the Tree Board condition, the increase in the number of units from the previously approved rezoning and the sewer pump station.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9569-95-7758; 9569-95-5941; and 9569-96-4013) from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant and the conditions listed therein, [dated May 3, 2022] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan. 2. Permitted uses and applicable conditions presented on the site plan shall be amended to include: exterior site lighting should be in accordance with the International Dark Sky Association's recommendations subject to any ADA requirements and 15 years instead of 10 years for the affordable housing maintenance term or 25% of the housing and people in the residences will be grandfathered in until they leave and will not be evicted. 3. The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The High

Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4. 4. We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: The development would provide 33 “affordable” rental units (for 15 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately 700 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study). The development would provide 99 “market-rate” rental units. These units would help reduce the rental housing gap estimated 500 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study). The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements. The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project. This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd. Mr. Blatt seconded the motion which passed unanimously.

V(C) Conditional Zoning District – Upward Road Restaurant (P22-15-CZD). Mr. Manley gave the following background:

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

A brief history of the rezoning was given and is included in the staff report.

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

Site photos were shown.

This will be a drive-thru restaurant with a walk-up window.

The Future Land Use is Regional Activity Center.

All comments from city staff have been addressed and have been resolved or will be resolved by final site plan.

This project did not trigger a TIA,

The developer had eight proposed conditions which are listed in the staff report. Mr. Manley read each one.

The developer has agreed to all of the Tree Board conditions. These are all included on the site plan.

This is part of the Upward Road Planning Area. This zoning district requested was specifically for this area.

A Neighborhood Compatibility meeting was held March 1, 2022 and was lightly attended.

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

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

A draft Comprehensive Plan Consistency Statement was shown.

They are planning to receive tree credits for this project.

Chair asked if there were any question for staff.

Mr. Blatt asked for clarification on the trees. Are they planning to do what is required and no more? Mr. Manley stated yes. Their type B buffer is very narrow, and they are proposing a condition that they would plant the required number of trees elsewhere on the site. That is reflected on their current site plan.

There were no further questions for staff.

Dan Soder stated he is representing the developer who should also be on the Zoom call. He cannot say what the restaurant will be, but it is a national coffee chain. He gave a brief presentation and pointed out the tree plantings on the site plan. He explained the drive access. He stated the existing stormwater is sized appropriately to accommodate Bojangles and this site.

There were no questions for the applicant.

Chair opened for public comment.

Chair closed the public comment portion of the meeting when no spoke.

Mr. Hanley moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-20-6649) from PCD (Planned Commercial Development-Conditional Zoning District) to CHMU-CZD (Commercial Highway Mixed Use – Conditional Zoning District) based on the site plan submitted by the applicant, [dated May 9, 2022] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses: Restaurant. 2. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because: The Future Land Use designation of Regional Activity Center recommends restaurant as a primary land use and the location and site design of the project align with the goals and strategies of LU-9. 3. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: The Upward Road corridor is classified as a Boulevard and is appropriate for drive-in restaurants. The development will provide additional food options for residents and visitors. The subject property is consistent with the interstate interchange-oriented development occurring in this area. The subject property is located in a Priority Growth Area. Mr. Nace seconded the motion which passed unanimously.

Mr. Blatt left at 8:15 pm.

Ms. Peacock recused herself as she is the applicant for the next application.

The Board took a quick recess and reconvened at 8:20 pm.

V(D) Zoning Text Amendment – Supplementary Standards for Day Centers (P22-29-ZTA).

Mr. Holloway gave the following background.

The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Tamara Peacock Company Architects and Morgan Marks for the revision of the Supplementary Standards for Day Centers. Section 16-4-12. The applicant is proposing the following revisions to the text:

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

The Legislative Committee met April 19th, 2022. Discussions centered around proposed buffer requirements compared to buffer requirements triggered when C-2, C-3, I-1 and CMU are adjacent to a residential use or district (Section 15-6 Buffer yards). No motions were made, only discussion.

Staff had some recommended changes which are included in the staff report.

A permitted zoning district map was shown.

A draft Comprehensive Plan Consistency Statement was shown.

Discussion was made on the I-1 zoning and that standards for Day Centers in that district. Mr. Holloway stated Susan Frady was in attendance and had a lot of knowledge on this and she let him know that originally Council wanted these to come back to them.

Chair opened the meeting for public comment.

One member of the public, Dennis Bro with Tamara Peacock Architects, spoke in favor of the text amendment.

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

Mr. Nace moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article XVI – Supplementary Standards for Certain Uses, Section 16-4-12 Day center, based on the following: 1. The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose. 2. We find the petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: The petition addresses the provisions of services for the needy, homeless and transient population within the City of Hendersonville's zoning jurisdiction. The text amendment addresses separation of day centers from residential uses through the provision of buffers that exceed standard commercial / residential buffers. Mr. Brown seconded the motion which passed unanimously.

VI Other Business. None.

VII Adjournment – *The meeting was adjourned at 8:37 pm.*

Jim Robertson, Chair

DRAFT



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: June 13, 2021

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – AAA Storage (P22-37-CZD) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9579-75-6816) from R-15 (Medium Density Residential) to PCD (Planned Commercial Development – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated May 18, 2022,] and presented at this meeting and subject to the following::

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

Permitted Uses:

1. Mini-warehouses

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

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

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

The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9579-75-6816) from R-15 (Medium Density Residential) to PCD (Planned Commercial Development – Conditional Zoning District) based on the following:

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

The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan.

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

1. Business Center does not recommend mini-warehouses or self-storage (supportive neighborhood retail and services) along minor thoroughfares. (LU-13.3)

[DISCUSS & VOTE]

<p>area' according to the City's 2030 Comprehensive Plan.</p> <p>4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none"> 1. The development of mini-warehouses will be an extension of an existing use. 2. The mini-warehouses will be in close proximity to recently-approved affordable, multi-family housing. 3. The petition provides access from a minor thoroughfare as required in the PCD zoning district <p>[DISCUSS & VOTE]</p>	
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***SUMMARY:** The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis J. Dorn – CD-MAT LLC. At NC LL Company [Applicant] and Thomas and Sherry Thompson [Owners]. The applicants are requesting to rezone the subject property, PIN 9579-75-6816 located at 762 Suglarloaf Road, from R-15, Medium Density Residential to PCD CZD, Planned Commercial Development Conditional Zoning District for the expansion of the existing AAA Storage facility.*

The proposal includes the addition of 5 buildings totaling 49,692 Sq Ft. This is in addition to the existing 7 buildings and approximate 67,570 Sq Ft of mini-storage on the adjacent site.

The proposal would include a recombining of the subject property with the adjacent lot to create a single parcel. The proposed mini-storage would be on a 2.48 acre parcel. Once combined, the site will be a total of 8.28 acres.

No other uses are proposed to be permitted by the rezoning.

PROJECT/PETITIONER NUMBER:	P22-37-CZD
PETITIONER NAME:	Dennis J. Dorn – CD-MAT LLC. At NC LL Company. [Applicant] Thomas and Sherry Thompson [Owner]
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Neighborhood Compatibility Summary 3. Tree Board Summary 4. Proposed Site Plan / Elevations 5. Proposed Zoning Map 6. Draft Ordinance 7. Application / Owner Signature Addendum

REZONING: CONDITIONAL REZONING – AAA STORAGE (P22-37-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES..... 7

FUTURE LAND USE 8

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

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

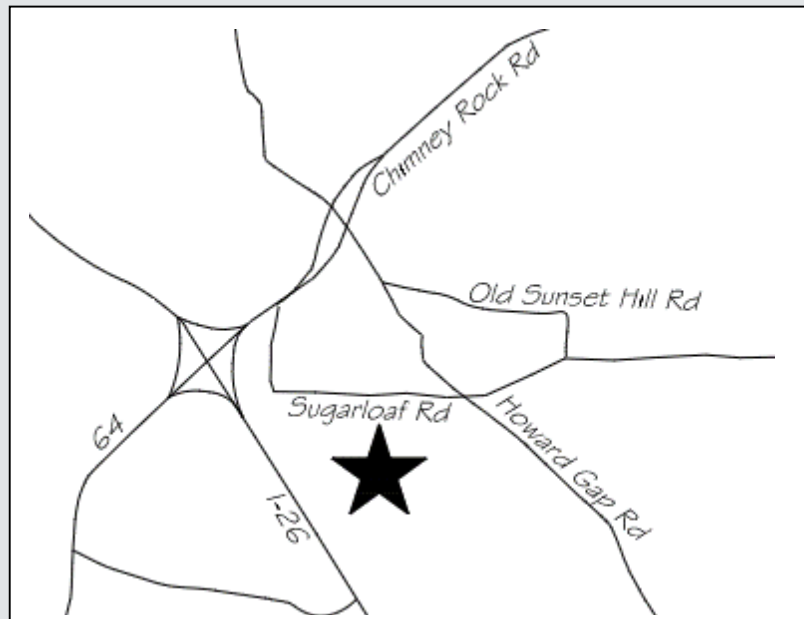
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 11

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 12



PROJECT SUMMARY

- Project Name & Case #:
 - AAA Storage
 - P22-37-CZD
- Applicant & Property Owner:
 - Dennis J. Dorn – CD-MAT LLC. At NC LL Company [Applicant]
 - Thomas and Sherry Thompson [Owner]
- Property Address:
 - 750, 762, and 780 Sugarloaf Rd
- Project Acreage:
 - 2.25 Acres
- Parcel Identification (PIN):
 - 9579-75-6816
- Current Parcel Zoning:
 - R-15 Medium Density Residential
- Future Land Use Designation:
 - Business Center
- Requested Zoning:
 - Planned Commercial Development Conditional Zoning District (PCD)
- Requested Uses:
 - Mini-warehouses
- Neighborhood Compatibility Meeting:
 - May 4, 2022



SITE VICINITY MAP

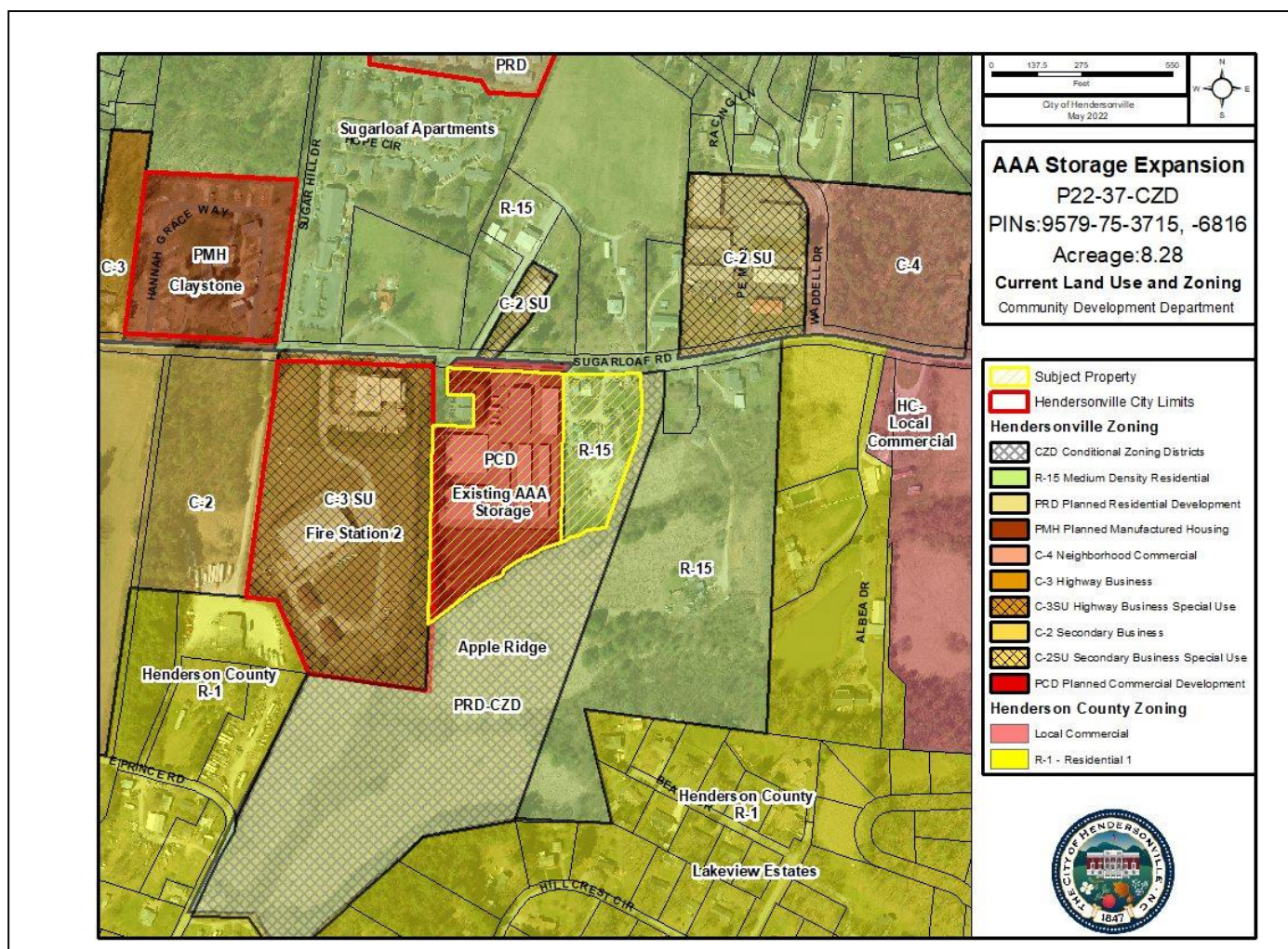
The City of Hendersonville is in receipt of an application for a Conditional Zoning District from Dennis J. Dorn – CD-MAT LLC. At NC LL Company [Applicant] and Thomas and Sherry Thompson [Owners]. The applicants are requesting to rezone the subject property, PIN 9579-75-6816 located at 762 Sugarloaf Road, from R-15, Medium Density Residential to PCD, Planned Commercial Development Conditional Zoning District for the expansion of the existing AAA Storage facility.

The proposal includes the addition of 5 buildings totaling 49,692 Sq Ft. This is in addition to the existing 7 buildings and approximate 67,570 Sq Ft of mini-storage on the adjacent site.

The proposal would include a recombining of the subject property with the adjacent lot to create a single parcel. The proposed mini-storage would be on a 2.48 acre parcel. Once combined, the site will be a total of 8.28 acres.

No other uses are proposed to be permitted by the rezoning.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is surrounded by a variety of zoning classifications and uses. The uses range from single family residential to mini warehouses and public facilities.

Parcels to the east/southeast are zoned PRD, R-15 and Henderson County R-1. This area is comprised of the recently approved Apple Ridge single-family/multi-family development and Lake View Estates neighborhood - consists of mostly single-family residences with some two-family residences mixed in.

Parcels to the west primarily contain commercial uses and zoning classifications. This area contains City of Hendersonville Fire Station # 2, existing AAA mini-storage, vacant land, and The Cascades Mountain Resort.

Parcels to the north are zoned commercial and residential. This area contains high density residential uses such as the Claystone Manufactured Housing Development and the Sugar Loaf and Sugar Hill apartments.

SITE IMAGES



View looking west along Sugarloaf Rd. Existing AAA Storage facility pictured to left.



View facing east on Sugarloaf along frontage of proposed facility expansion.

SITE IMAGES



View facing west along frontage of proposed facility



View facing towards interior of site from driveway of one of structures to be removed

SITE IMAGES



View of interior of the site where structures will be removed



View of interior of site

SITE IMAGES

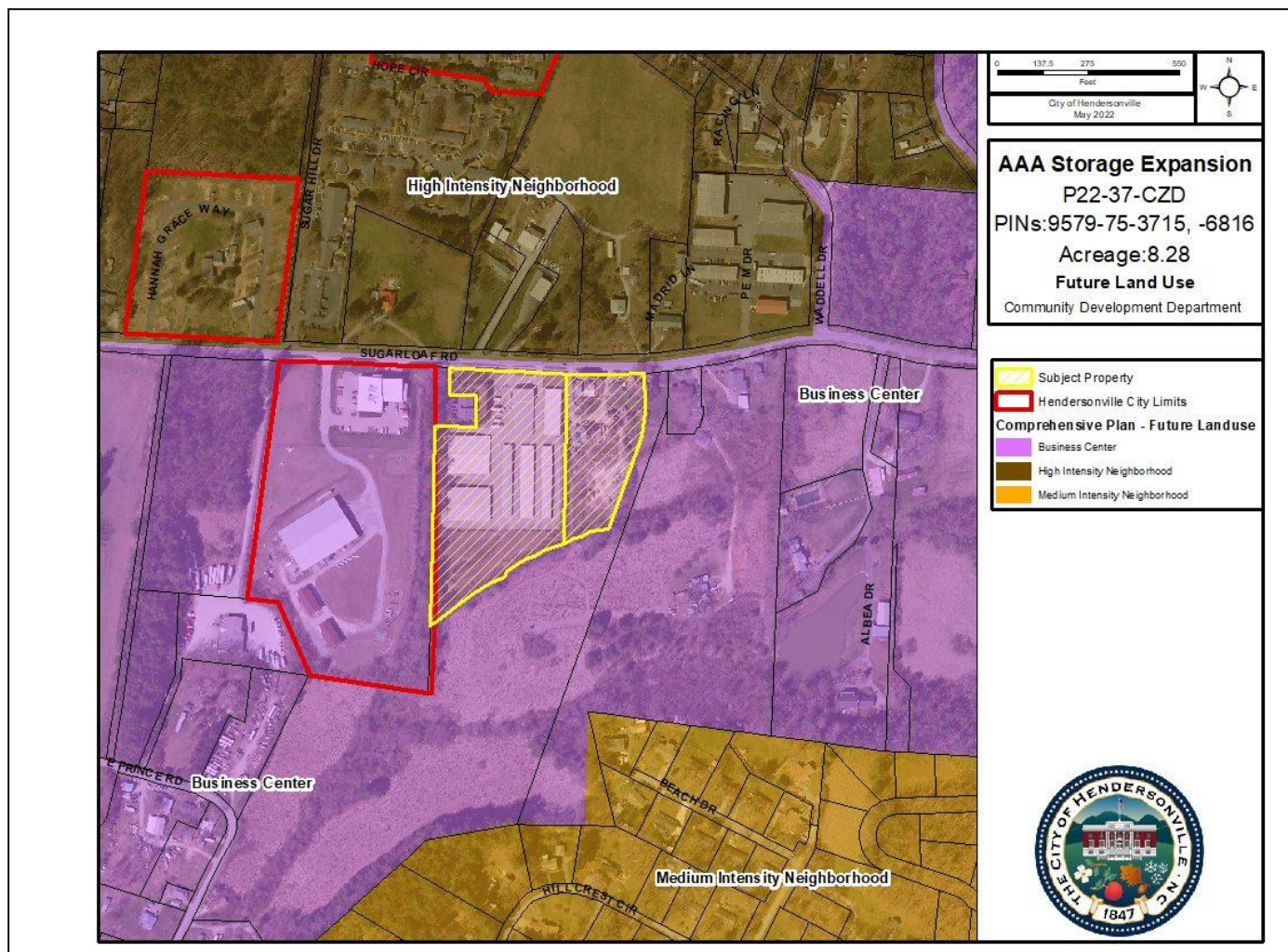


View of interior of the site where structures will be removed



View of existing self-storage structures which border the proposed expansion area. Existing tree buffer likely to be impacted by proposed project

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The site is designated as Business Center due to its proximity to I-26. Business Center is designated for parcels that:

- Front along I-26
- Areas in proximity to Blue Ridge Community College
- Existing, older industrial properties.

Parcels to the south are designated as Medium Intensity Neighborhood. This classification represents the Lake View Estates neighborhood that encompasses the majority of this area. Parcels to the north are designated as High Intensity Neighborhood. This area has a mix of uses including commercial, multi-family housing and a manufactured housing development. Parcels to the northwest are designated as Regional Activity Center. This designation reflects the commercial node around the I-26 interchange with US 64/Chimney Rock Road.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	Goal LU-13 Business Center: <i>Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research, and low-impact industrial uses, as well as supportive retail amenities</i> [CONSISTENT]
	Strategy LU-13.2. Primary recommended land uses: <i>Offices, Research facilities, Educational Centers</i> [INCONSISTENT]
	Strategy LU-13.3 Secondary recommended land uses: <i>Supportive neighborhood retail and services along major thoroughfares</i> [INCONSISTENT – Sugarloaf Rd is a minor thoroughfare]
	Strategy LU-13.4. Development guidelines: <i>At least 30% open space in new developments greater than five acres</i> [INCONSISTENT] <i>Moderate front setbacks and appropriate landscaping</i> [CONSISTENT] <i>Encouragement of pedestrian connections to multi-use pathways and between uses</i> [INCONSISTENT]
Land Use & Development	<i>The property is designated as a “Priority Growth Area” on the Growth Management Map (Map 8.3a). “Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services”. [CONSISTENT]</i>
	<i>The project area is identified as a “development opportunity” in the Comprehensive Plan’s Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]</i>
	<i>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development</i> [CONSISTENT]
Population & Housing	<i>Strategy PH-1.4. Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map</i>
	<i>Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.</i>
Natural & Environmental Resources	<i>Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat</i>
	<i>Strategy NR-1.3. Encourage restoration of natural habitat and drainage patterns in developed areas.</i>
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	<i>Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management</i>
Transportation & Circulation	<i>Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	A mix of commercial and residential uses are found in the immediate area. Single family residential and multi-family residential are both found near the proposed project area.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The subject property was subdivided from the adjacent land to the east and south. The remainder of the subdivided land was approved for the Apple Ridge development which consist of 60 apartment units and 20 single-family homes.
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 -
	By all indications there is high market demand for additional self-storage.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site will be served by City water and sewer service. Sugarloaf Rd is designated as a minor thoroughfare on the comprehensive transportation plan and is maintained by NCDOT. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	The subject property features 19 trees that are proposed to be cleared. This includes 12 Pines, 5 Poplars, 1 Oak and 1 Maple. The developer has indicated that a few poplars at the rear of the property may be retained. There is also a stream at the rear of the property. A portion of this stream is proposed to be piped. A Nationwide permit from the Army Corp of Engineers would be required for the piping. The area disturbed by the piping will be revegetated.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The subject property is located in an area designated as a ‘development opportunity’ and ‘priority growth area’ according to the City’s 2030 Comprehensive Plan.

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

DRAFT [Rationale for Approval]

- The development of mini-warehouses will be an extension of an existing use.*
- The mini-warehouses will be in close proximity to recently-approved affordable, multi-family housing.*
- The petition provides access from a minor thoroughfare as required in the PCD zoning district*

DRAFT [Rational for Denial]

- Business Center does not recommend mini-warehouses or self-storage (supportive neighborhood retail and services) along minor thoroughfares. (LU-13.3)*

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

- Site Plan Summary:
 - The site plan accompanying this petition contains the following provisions:
 - 5 mini-warehouse buildings totaling 49,692 Sq Ft
 - Building 1 & 2 – 12,000 Sq Ft
 - Building 3 – 6,600 Sq Ft
 - Building 4 – 8,800 Sq Ft
 - Building 5 – 10,292 Sq Ft
 - Driveways, Parking and Sidewalks totaling 27, 414 Sq Ft
 - Common Open Space totaling 11,026 Sq Ft
- Proposed Uses:
 - Mini-warehouses
- Developer Conditions:
 - Developer Proposed Concessions:
 - N/A
 - Developer Proposed Conditions:
 - A 10' Setback is proposed (along the eastern property boundary) as there is an approved Right-of-Way on the adjacent property (Apple Ridge) that has not been platted yet. Once platted, the proposed setbacks will conform with zoning code standards.

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Commercial Development (5-15) with the following exceptions:

- A number technical corrections were provided to the applicant. Each of these were resolved.

Proposed City-Initiated Conditions:

- None

CITY ENGINEER

Site Plan Comments:

- Please show post-construction stormwater management facilities and erosion control basins for proposed work. [resolved]
- Are stream and wetland to be filled/piped? Is US Army COE permitting underway? [resolved]
- Show blueline stream with stream buffers [resolved]

- Has recombination occurred (2 different property owners)? Existing SCM maintenance agreement with current storage unit owner. [resolved]

Proposed City-Initiated Conditions:

- None

WATER / SEWER

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FIRE MARSHAL

Site Plan Comments:

- Not within Fire District
- Add gate off proposed road for Apple Ridge

Proposed City-Initiated Conditions:

- None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- Differentiate on the plan work that is proposed as part of this project from work 'by others'. [resolved]

Proposed City-Initiated Conditions:

- None

PUBLIC WORKS

Site Plan Comments:

- None

Proposed City-Initiated Conditions:

- None

NCDOT

Site Plan Comments:

- Driveway permit and sidewalk encroach will be required at Final Site Plan

Proposed City-Initiated Conditions:

- None

TRANSPORTATION CONSULTANT

Site Plan Comments:

- The proposed use did not trigger a TIA

Proposed Condition:

- None

TREE BOARD

Site Plan Comments & Recommended Conditions:

- See attached Tree Board Summary



NEIGHBORHOOD COMPATIBILITY MEETING REPORT

AAA STORAGE (P22-37-CZD)

NCM Meeting Dates: May 4, 2022

PETITION REQUEST: Rezoning: Planned Commercial Development - Conditional Zoning District (PCD)
APPLICANT/PETITIONER: Dennis J. Dorn – CD-MAT LLC. At NC LL Company [Applicant] & Thomas and Sherry Thompson [Owner]

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on May 4, 2022 at 2pm in the City Operations Building at 305 Williams St and via Zoom. The meeting lasted approximately 17 minutes.

There were no members of the public in attendance in-person while only 1 other attended virtually. In attendance were the applicants and their development team and 2 members of City staff.

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

There were no pre-submitted.

The development team was allowed to present their project proposal for the expansion of the AAA Storage Facility.

Concerns and questions from the public related to impacts to consideration of impacts from stormwater, security, and circulation of traffic. In general, comments were favorable for the development.

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



TREE BOARD RECOMMENDATION

AAA STORAGE (P22-37-CZD)

MEETING DATE: MAY 17, 2022

PETITION REQUEST: Rezoning: Planned Commercial Development - Conditional Zoning District (PCD)

APPLICANT/PETITIONER: Dennis J. Dorn – CD-MAT LLC. At NC LL Company. [Applicant] & Thomas and Sherry Thompson [Owner]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at a regular meeting on May 17, 2022. The following Tree Board members were present: Mark Madsen, Mary Davis, Andy Crawford, Glenn Lange, Mac Brackett, Landon Justice, and Pat Christie. The following recommendations were made:

SUMMARY

The subject property features 19 trees that are proposed to be cleared. This includes 12 Pines, 5 Poplars, 1 Oak and 1 Maple. The developer has indicated that a few poplars at the rear of the property may be retained. There are also trees on the adjacent property that is proposed to be expanded that will be impacted by the proposed development – specifically a row of maturing maples that currently serve as a buffer. These were not shown on the Tree Survey as they are not on the subject property.

MOTION

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

1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit.
2. Eradicate invasive plant species throughout the property as listed in the Recommended

Landscape Species List for Street Trees and Land Development Projects.

BOARD ACTION

Motion: Lange

Yeas: All

Nays: None

Recused: None

WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

AAA Storage Proposed Expansion

Hendersonville Township
Henderson County
North Carolina

Preliminary
Not For
Construction



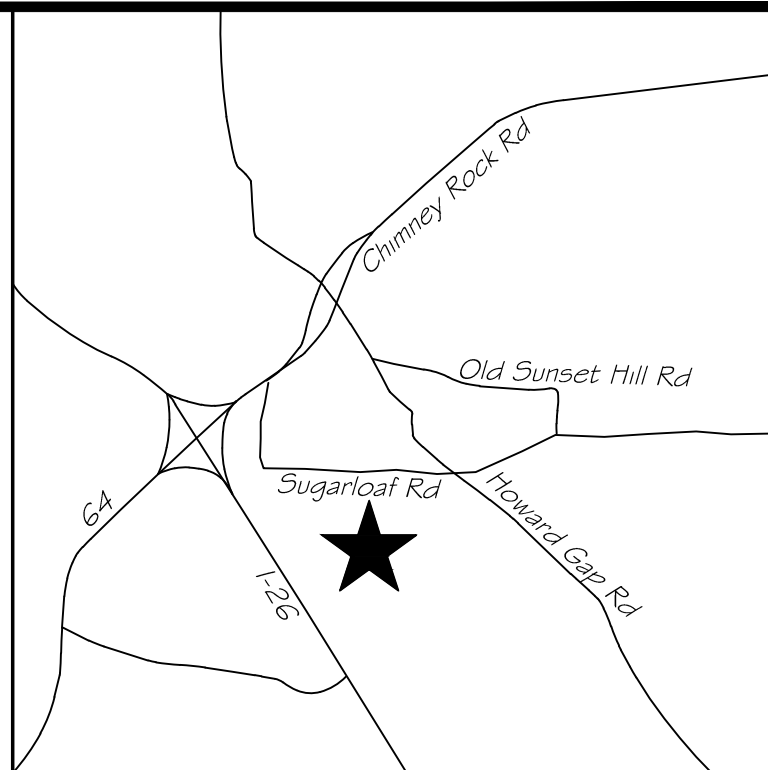
Know what's below.
Call before you dig.

PROJECT NUMBER: 21165
DATE: 2/22
DRAWN BY: KHC
CHECKED BY: WRB

Preliminary
Site Plan

C-200

SCALE: 1"=40'



LOCATION MAP
N.T.S.

- i. Date with month, day, year: 04/22/2022
- ii. Title of Project: AAA Storage
- iii. Name of Project Designer, Developer, and Property Owner
- Designer: William R. Buie, P.E.
WGLA Engineering, PLLC
724 5th Avenue West
Hendersonville, NC 28739
828-687-7177
- Developer: CD-MAT, LLC
837 Tracy Grove Road
Flat Rock, NC 28731
- Property Owner: Thomas H & Sherry S. Thompson
524 E Prince Road
PO Box 563
Dana, NC 28724
780 Sugarloaf Road
Dana, NC 28724
- iv. Project Zoning: per City of Hendersonville Zoning Map
R-15 (Medium Density Residential)
- Proposed Zoning: PCD-C2D
- Acerage: Existing - 5.8 Ac
Proposed - 2.48 AC. ADDITION
- Water System: On Site (Public)
City of Hendersonville
- Sewer System: On Site (Public)
City of Hendersonville
- PCD Setbacks: 40' From ROW Reduced to 10' with Parking Situated to the Side or Rear
25' From Exterior Property Line

PROPOSED ADDITION	
TOTAL PROJECT AREA	108,028 SF (2.48 AC) (100%)
SITE COVERAGE - BUILDINGS	49,692 SF (1.14 AC) (45.97%)
SITE COVERAGE - STREETS/PARKING/WALKS	27,414 SF (0.62AC) (25.00%)
SITE COVERAGE - COMMON OPEN SPACE	11,026 SF (0.25AC) (10.08%)

EXISTING IMPERVIOUS	(37,993 SF) (0.89AC.) (35.17%)
PROPOSED IMPERVIOUS	(77,106 SF) (1.77 AC.) (69.68%)
PARKING REQUIRED	1 SPACE/20 INTERIOR STORAGE UNITS (150 INTERIOR UNITS PROPOSED)
PARKING PROVIDED	8 SPACES

- NOTES:
- NO PORTION OF THIS PROPERTY IS LOCATED IN A REGULATED FLOOD HAZARD AREA.
 - EXISTING DELINEATED STREAM IS NOT A "BLUE LINE" USGS FEATURE.
 - PROPOSED MAXIMUM BUILDING HEIGHT 14FT.
 - ALL OFF STREET PARKING, DRIVEWAYS AND LOADING AREAS SHALL BE PROVIDED AS REQUIRED IN ARTICLE VI AND SHALL BE PAVED ACCORDING TO THE SPECIFICATIONS OF NCDOT.

CONDITONS TABLE	
DEVELOPER PROPOSED CONCESSIONS	DEVELOPER PROPOSED CONDITIONS
	A 10' SETBACK IS PROPOSED AS THERE IS AN APPROVED ROW ON THE ADJACENT PROPERTY THAT HAS NOT BEEN PLATTED YET. ONCE PLATTED, THE PROPOSED SETBACKS WILL CONFORM WITH ZONING CODE STANDARDS.

Brett M & Jennifer Case
Allsbrook
9579-76-4234
D.B. 1375, Pg. 319
Zoned: R15

Joshua Logan Howard
Monica Taylor Howard
9579-76-6624
D.B. 3798, Pg. 357
Zoned: R15

Marie H Thompson
9579-76-7255
D.B. 397, Pg. 135
Zoned: R15

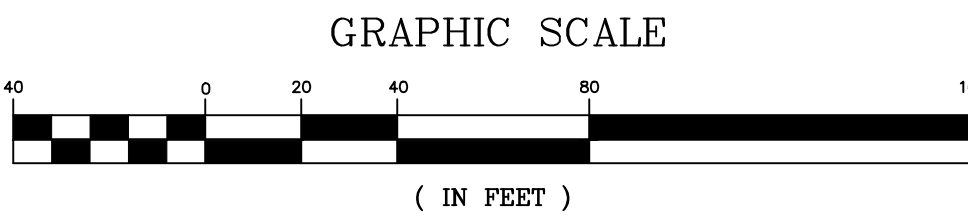
Thomas H &
Sherry S Thompson
9579-75-8913
D.B. 1599, Pg. 671
Zoned: R15

Travis Oats & Molly
Oats Sherrill
9579-75-8324
D.B. 1207, Pg. 298
Zoned: R15

Thomas H. & Sherry S.
Thompson
9579-74-0966
D.B. 1599, Pg. 665
Zoned: PRD-C2D

CD-Mat LLC A NC LL
Company
9579-75-3715
D.B. 1496, Pg. 698
Zoned: R15

CD-MAT, LLC
D.B. 1496, Pg. 698
Plat Slide 8423



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

AAA Storage

Hendersonville Township
Henderson County
North Carolina

**Preliminary
Not For
Construction**



Know what's below.
Call before you dig.

PROJECT NUMBER: 21165
DATE: 2/22
DRAWN BY: KHC
CHECKED BY: WRB

Preliminary
Landscape &
Resource Layout Plan
Development

C-300

SCALE: 1"=40'



WGLA
Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

AAA Storage

Hendersonville Township
Henderson County
North Carolina

Preliminary
Not For
Construction



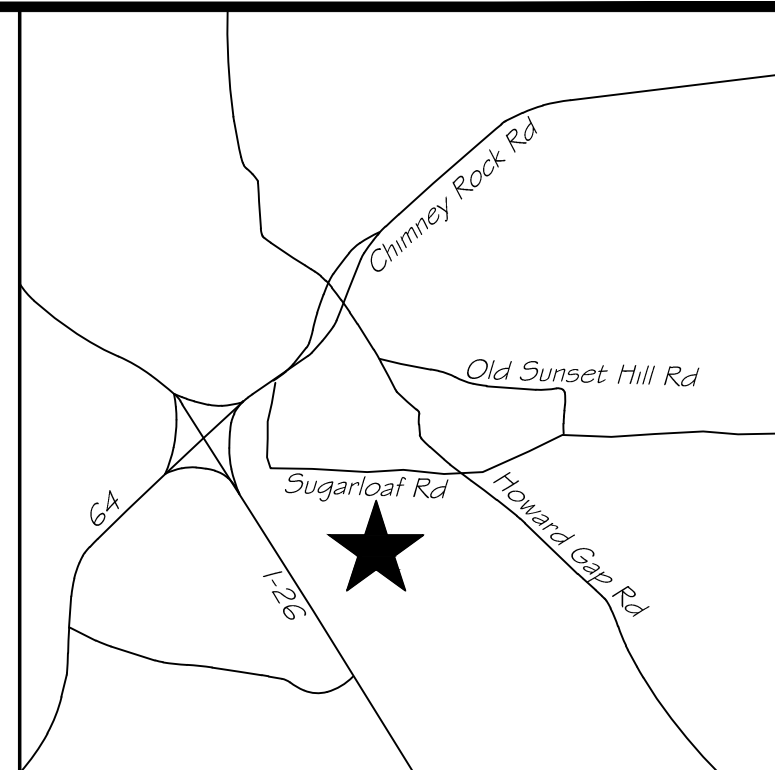
Know what's below.
Call before you dig.

PROJECT NUMBER: 21165
DATE: 2/22
DRAWN BY: KHC
CHECKED BY: WRB

Preliminary
Stormwater
Management Plan

C-400

SCALE: 1"=40'



LOCATION MAP
N.T.S.

Brett M & Jennifer Case
Allsbrook
9579-76-4234
D.B. 1375, Pg. 319
Zoned: R15

Joshua Logan Howard
Monica Taylor Howard
9579-76-6624
D.B. 3798, Pg. 357
Zoned: R15

Marie H Thompson
9579-76-7255
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9579-75-8913
D.B. 1599, Pg. 671
Zoned: R15

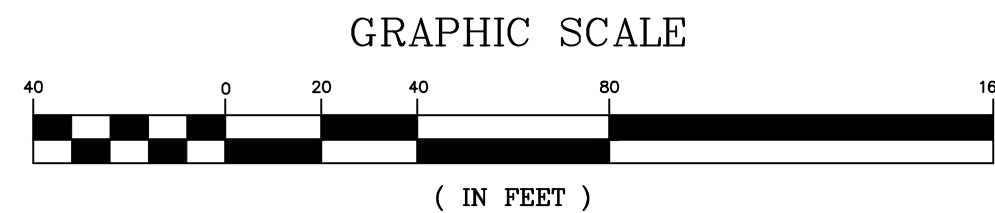
Travis Oats & Molly
Oats Sherrill
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D.B. 1207, Pg. 298
Zoned: R15

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D.B. 1599, Pg. 665
Zoned: PRD-C2D

CD-Mat LLC A NC LL
Company
9579-75-3715
D.B. 1496, Pg. 698
Zoned: R15

CD-MAT, LLC
D.B. 1496, Pg. 698
Plat Slide 8423

City of Hendersonville
D.B. 1418, Pg. 202
Zoned: C3SU



- i. Date with month, day, year: 04/22/2022
- ii. Title of Project: AAA Storage
- iii. Name of Project Designer, Developer, and Property Owner
- Designer: William R. Buie, P.E.
WGLA Engineering, PLLC
724 5th Avenue West
Hendersonville, NC 28739
828-687-7177
- Developer: CD-MAT, LLC
837 Tracy Grove Road
Flat Rock, NC 28731
- Property Owner: Thomas H & Sherry S. Thompson
524 E Prince Road
PO Box 563
Dana, NC 28724
780 Sugarloaf Road
Dana, NC 28724

iv. Project Zoning: per City of Hendersonville Zoning Map
R-15 (Medium Density Residential)

Proposed Zoning PCD-CZD

Acerage Existing - 5.8 Ac
Proposed - 2.48 AC. ADDITION

Water System On Site (Public)
City of Hendersonville

Sewer System On Site (Public)
City of Hendersonville

PCD Setbacks
40' From ROW Reduced to 10' with Parking Situated
to the Side or Rear
25' From Exterior Property Line

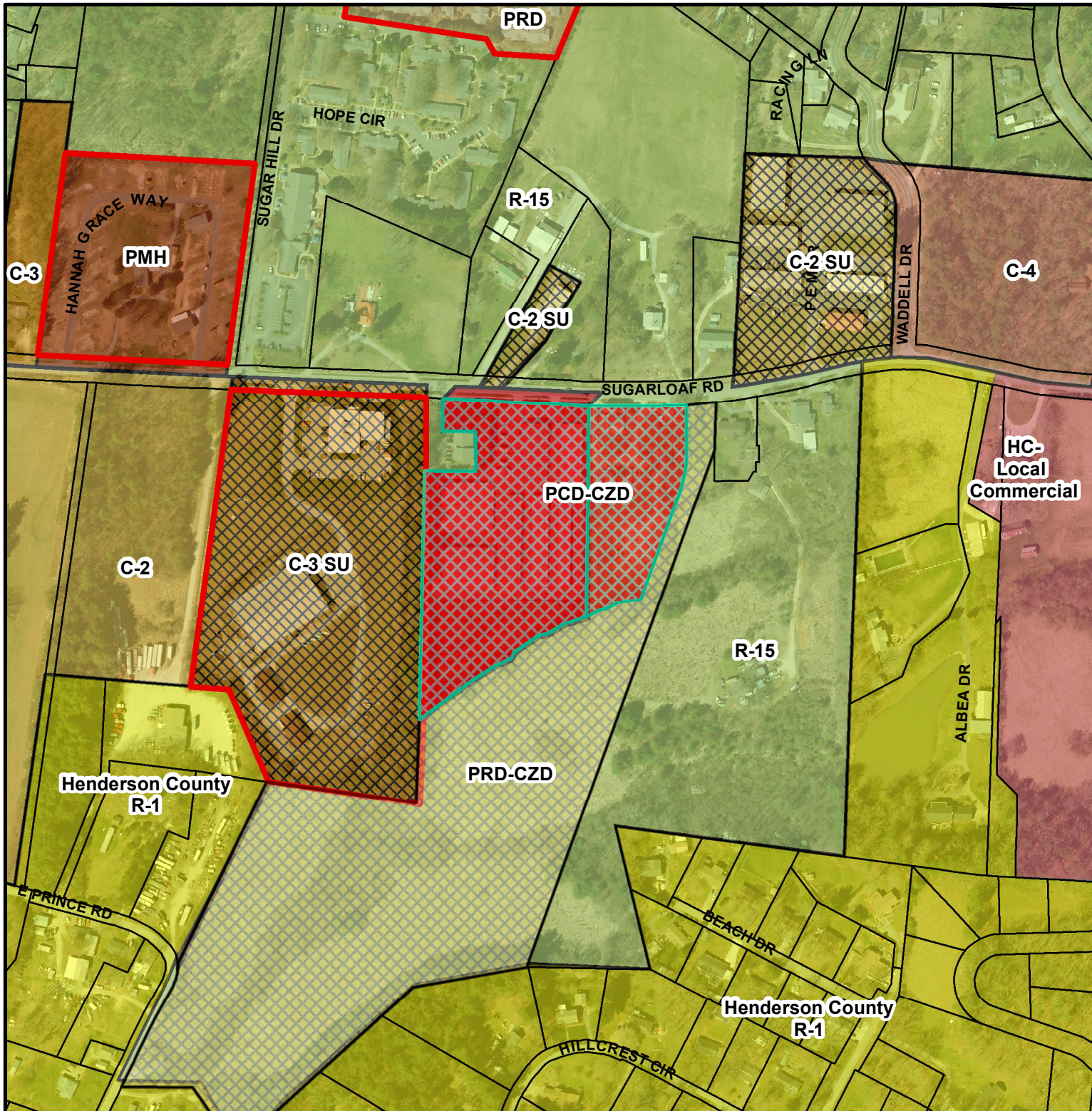
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SITE COVERAGE - COMMON OPEN SPACE	11,026 SF (0.25AC) (10.08%)

EXISTING IMPERVIOUS (37,993 SF) (0.89AC.) (35.17%)












PROPOSED IMPERVIOUS (77,106 SF) (1.77 AC.) (69.68%)

PARKING REQUIRED 1 SPACE/20 INTERIOR STORAGE UNITS
(150 INTERIOR UNITS PROPOSED)

PARKING PROVIDED 8 SPACES



AAA Storage Expansion
P22-37-CZD
PINs:9579-75-3715, -6816
Acreage:8.28
Proposed Zoning
 Community Development Department

-  Subject Property
-  Hendersonville City Limits
- Hendersonville Zoning**
 -  CZD Conditional Zoning Districts
 -  R-15 Medium Density Residential
 -  PRD Planned Residential Development
 -  PMH Planned Manufactured Housing
 -  C-4 Neighborhood Commercial
 -  C-3 Highway Business
 -  C-3SU Highway Business Special Use
 -  C-2 Secondary Business
 -  C-2SU Secondary Business Special Use
 -  PCD Planned Commercial Development
- Henderson County Zoning**
 -  Local Commercial
 -  R-1 - Residential 1



Ordinance #____-____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL
POSSESSING PIN NUMBER 9579-75-6816 BY CHANGING THE ZONING DESIGNATION
FROM R-15 (MEDIUM DENSITY RESIDENTIAL) TO PCD (PLANNED COMMERCIAL
DEVELOPMENT – CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Number: 9579-75-6816
Addresses: 750, 762, and 780 Sugarloaf Rd
AAA Storage (File # P22-37-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Dennis J. Dorn – CD-MAT LLC. At NC LL Company and property owners, Thomas and Sherry Thompson for the development of 5 mini-warehousing structures on approximately 2.48 acres as an expansion of the existing AAA Storage Facility, and

WHEREAS, the Planning Board took up this application at its regular meeting on June 13, 2022; voting **0-0** to recommend City Council deny 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 July 7, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9579-75-6816 from R-15 (Medium Density Residential) to PCD (Planned Commercial Development – Conditional Zoning District).
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and conditions listed therein and subject to the following.
 - a. Permitted uses shall include:
 - i. Mini-warehouses
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. The development shall be consistent with the preliminary site plan and conditions therein as submitted and dated May 18, 2022 [or as modified and presented].
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 7th day of July 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

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

IN RE: Parcel Number: 9579-75-6816

Addresses: 750, 762, and 780 Sugarloaf Rd
AAA Storage (File # P22-37-CZD)

Applicant/Developer: Dennis J. Dorn – CD-
MAT LLC. At NC LL Company

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Thomas H. Thompson

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Property Owner: Sherry S. Thompson

Signature:_____

Printed Name:_____

Title:_____

Date:_____



**CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

100 N. King Street, Hendersonville, NC 28792

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

www.hendersonvillenc.gov

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

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

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

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

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

[Application Continued on Next Page]

Office Use:

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

A. Applicant Contact Information

Dennis J. Dorn

* Printed Applicant Name

CD-MAT LLC at NC LL Company

Printed Company Name (if applicable)

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____



Applicant Signature

Manager

Applicant Title (if applicable)

847 Tracy Grove Road

Address of Applicant

Flat Rock, NC 28731

City, State, and Zip Code

828-243-9100

Telephone

dennisdornnams@hotmail.com

Email

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

[Application Continued on Next Page]

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

Thomas H and Sherry S Thompson

*Printed Owner Name

Printed Company Name (if applicable)

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other:

Thomas H. Thompson

Property Owner Signature

Sherry S. Thompson

Property Owner Title (if applicable)

Dana, NC 28724

City, State, and Zip Code

828-329-1304

Telephone

~~thomasthompson@bellsouth.net~~

Email

thomashthompson@bellsouth.net

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

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

Note: Additional Owner Signature pages attached.

C. Property Information

Name of Project: AAA Storage Expansion

PIN(s): 9579-75-6816

Address(es) / Location of Property: 780 Sugarloaf Road

Type of Development: ___ Residential X Commercial ___ Other

Current Zoning: R-15

Total Acreage: 2.48

Proposed Zoning: PCD CZ

Proposed Building Square Footage: 49,692 SF

Number of Dwelling Units: 0

List of Requested Uses: mini storage warehouse

D. Proposed Development Conditions for the Site

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



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager
MEETING DATE: June 13, 2021

AGENDA SECTION: New Business
DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – Erkwood Dr - Kilpatrick (P22-48-RZO) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9577-18-7316) from Henderson County R-40, Estate Residential zoning district to City of Hendersonville GHMU (Greenville Highway Mixed Use) based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:</p> <p>The proposed zoning presents an opportunity for compatible infill development and a mix of land uses as called for in Chapters 2, 8 and 9 of the City’s 2030 Comprehensive Plan.</p> <p>2. Additionally, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. Greenville Highway is the predominant zoning in this area2. The petition aligns with the Henderson County’s Future Land Use designation <p>3. Furthermore, we recommend designating the Future Land Use of the parcel as High Intensity Neighborhood and Natural / Agricultural Resources for the portion of the subject property located in the 100-year Floodplain.</p> <p>[DISCUSS & VOTE]</p>	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9577-18-7316) from Henderson County R-40, Estate Residential zoning district to City of Hendersonville GHMU (Greenville Highway Mixed Use) based on the following:</p> <p>1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:</p> <p>The proposed zoning presents an opportunity for compatible infill development and a mix of land uses as called for in Chapters 2, 8 and 9 of the City’s 2030 Comprehensive Plan.</p> <p>2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none">1. The proposed zoning would permit development that does not align with the County’s current R-40 zoning <p>[DISCUSS & VOTE]</p>
---	---

***SUMMARY:** The City of Hendersonville received an Annexation application from Cameron & Kina Kilpatrick (owner) for a 1.89 Acre tract along Erwood Dr near the intersection of Greenville Highway and Shepperd St adjacent to city limits on the southern edge of Hendersonville. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County R-40, Estate Residential District to GHMU, Greenville Highway Mixed Use.*

GHMU permits a range of lower intensity commercial uses along with single-family, two-family and multi-family residential. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft as well as by buildings which have a footprint exceeding 12,000 Sq Ft.

In absence of a Future Land Use Designation, the County’s Future Land Use Designation of Community Service Center states the following:

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas.

PROJECT/PETITIONER NUMBER:	P22-48-RZO
PETITIONER NAME:	City of Hendersonville [applicant] Cameron & Kina Kilpatrick [owner]
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map

STANDARD REZONING: ERKWOOD DR (P22-48-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

REZONING HISTORY 7

FUTURE LAND USE 8

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

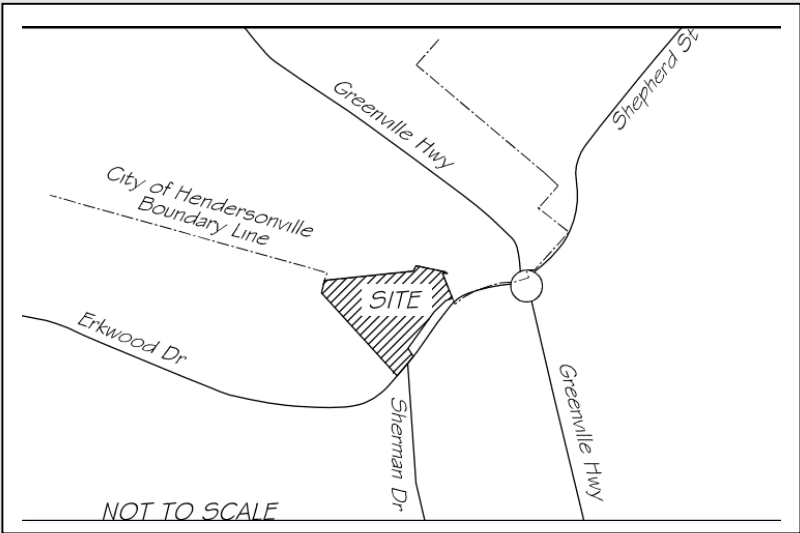
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 10

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 11



PROJECT SUMMARY

- Project Name & Case #:
 - Erkwood Drive (Kilpatrick)
 - P22-48-RZO
- Applicant & Property Owner:
 - City of Hendersonville [Applicant]
 - Cameron Kilpatrick [Owner]
 - Kina Kilpatrick [Owner]
- Property Address:
 - No Address Assigned
- Project Acreage:
 - 1.89 Acres
- Parcel Identification (PIN):
 - 9577-18-7316
- Current Parcel Zoning:
 - R-40 (County)
- Proposed Zoning District:
 - GHMU (Greenville Highway Mixed Use)
- Future Land Use Designation:
 - City – Not Mapped
 - County – Community Service Center



SITE VICINITY MAP

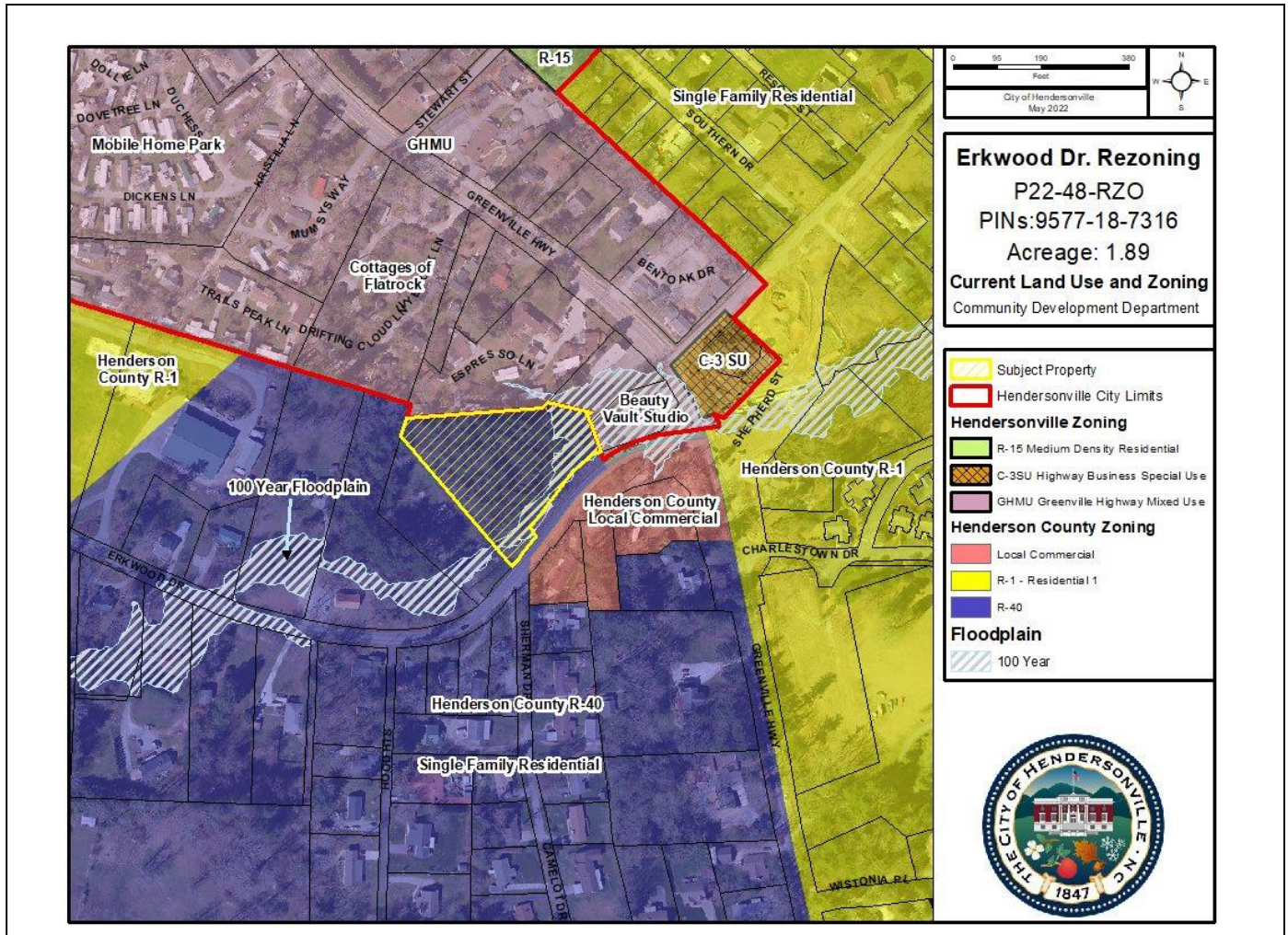
The City of Hendersonville received an Annexation application from Cameron & Kina Kilpatrick (owner) for a 1.89 Acre tract along Erkwood Dr near the intersection of Greenville Highway and Shepperd St adjacent to city limits on the southern edge of Hendersonville. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County R-40, Estate Residential District to GHMU, Greenville Highway Mixed Use. The subject property is within the area that can be annexed according to the Annexation Agreement with the Village of Flat Rock

GHMU permits a range of lower intensity commercial uses along with single-family, two-family and multi-family residential. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft as well as by buildings which have a footprint exceeding 12,000 Sq Ft.

In absence of a Future Land Use Designation, the County’s Future Land Use Designation of Community Service Center states the following:

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned R-40 under Henderson County's Zoning Jurisdiction. It is located adjacent to the City Limits in an area where Greenville Highway Mixed Use (GHMU) is the predominant zoning district. There is one parcel zoned C-3 Special Use at the corner of Shepherd St and Greenville Highway. The only other zoning district within the City's jurisdiction in vicinity of the subject property is the R-15 district which flanks either side of the GHMU zoning that runs along the Greenville Hwy corridor.

The County zoning in this area is predominantly R-40, which is a very low density (1 unit/acre) single-family (estate) zoning district. The R-1 residential zoning is also found nearby on the opposite side of Greenville Highway.

Land uses in the area include a mix of commercial and residential including: short-term lodging, auto-parts retail, professional office, single-family residential, townhomes and mobile homes.

There is a 100-year floodplain on the subject property running alongside Erkwood Dr.

SITE IMAGES



Creek at eastern edge of property



View along Erkwood Dr facing southwest

SITE IMAGES



Culvert/crossing providing access to parcel



Creek entering property from southwest

SITE IMAGES



View of center of parcel from culvert



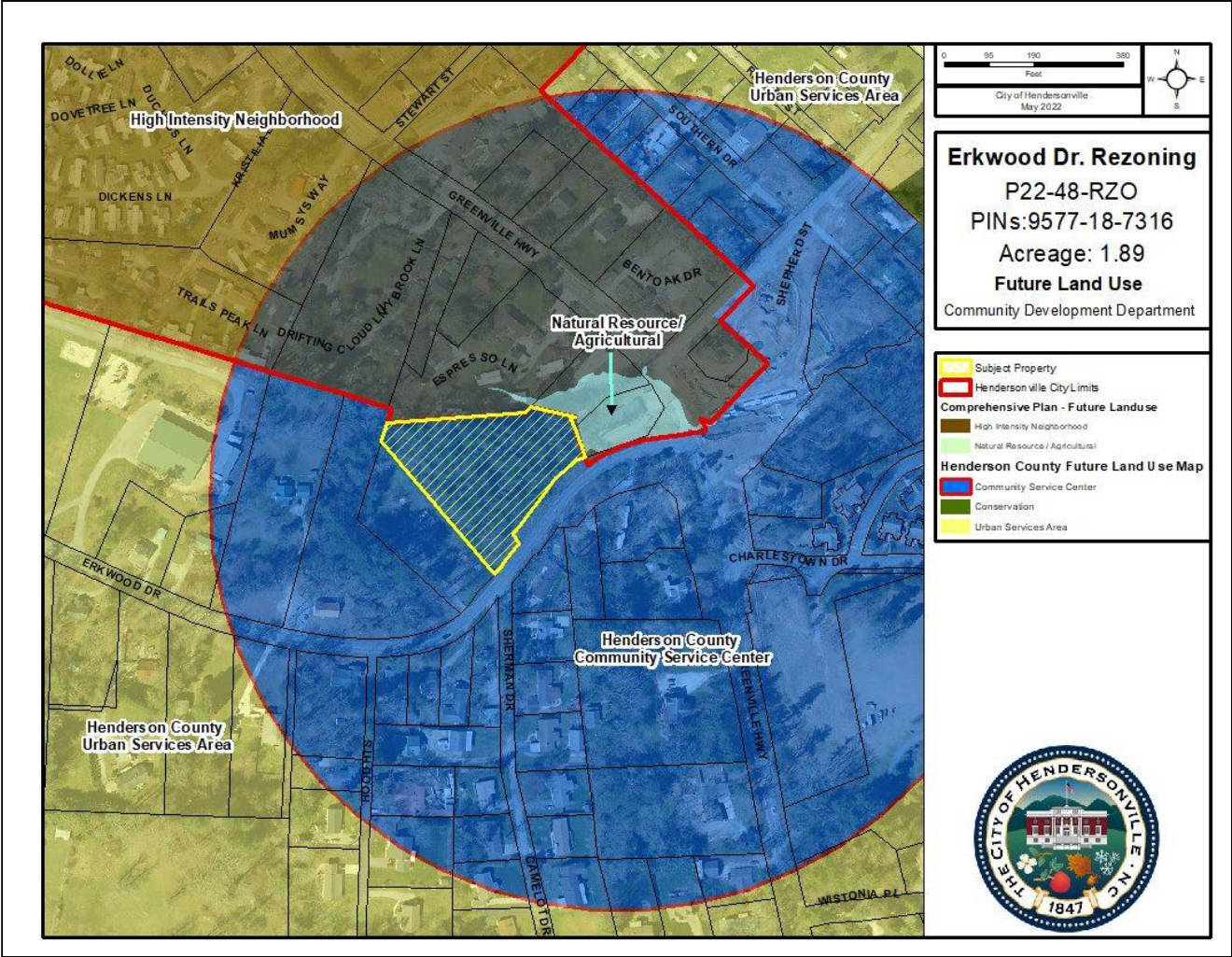
View of center of site facing east

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
N/A	N/A	N/A

- No information is known about the prior County zoning on the property

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is outside of the boundary of the Future Land Use Map. The City's Future Land Use Map does designate High Intensity Neighborhood for the properties adjacent to the subject property to the north and Natural Resource/Agricultural for property to the east.

The County's Future Land Use Map designates the subject property and the surrounding area as Community Service Center.

Staff recommends a Future Land Use designation of High Intensity Neighborhood and Natural Resource / Agricultural for the portion of the parcel in the 100-year Floodplain.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
Future Land Use	<p>N/A – The subject property is not within the boundaries of the Future Land Use Map. It is adjacent to High Intensity Neighborhood and Natural Resource / Agricultural</p> <p>Staff recommends designating the Future Land Use for the subject property as High Intensity Neighborhood and Natural/Agricultural Resources</p>
Land Use & Development	<p>N/A – The subject property is not within the boundaries of the Growth Management Map. It is adjacent to a Priority Infill Area.</p>
	<p>N/A – The subject property is not within the boundaries of the Development Framework Map.</p>
	<p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.</p>
Population & Housing	<p>Strategy PH-1.1. Promote compatible infill</p>
	<p>Goal PH-2. Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.</p>
	<p>Strategy PH-3.1. Establish neighborhood design guidelines that promote safe, walkable and bikeable neighborhoods while accommodating the automobile.</p>
	<p>Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.</p>

Natural & Environmental Resources	<ul style="list-style-type: none"> • <i>Strategy NR-1.1. Discourage and reduce development of structures and impervious surfaces within the FEMA Floodway and 100-Year Floodplain</i>
	<ul style="list-style-type: none"> • <i>Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat.</i>
	<ul style="list-style-type: none"> • <i>Strategy NR-2.3. Promote preservation of woodlands</i>
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	No Goals, Strategies or Actions are directly applicable to this project.
Transportation & Circulation	<i>Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i>
	Goal TC-5. - Enhance key gateways to the community in order to present a positive first impression and increase civic pride.
	<i>Strategy TC-5.2. - Enhance key entrances within the City, as indicated on Map 7.3a</i>

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	There are a mix of medium density residential and neighborhood-scale non-residential uses in proximity to the subject property. Rezoning the property to GHMU would permit compatible uses in the area.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The GHMU district has been in place for approximately 20 years. The private development in proximity to the subject property have been in place for a number of years. The improvement to the intersection of Shepherd St/Erkwood Dr and Greenville Highway with the installation of a roundabout has enhanced the transportation infrastructure in the area.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	The addition of low-intensity commercial uses and/or residential uses in the area would provide additional opportunities for businesses and/or housing on the far south edge of town.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site will be served by City water and sewer service. Erkwood Dr. is classified as a Minor Thoroughfare in the Comprehensive Plan's Transportation Chapter. It is also shown as slated for improvements though no improvement project for this area, beyond the recent roundabout installation, is currently funded by NCDOT. The petition has been reviewed by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	The subject property is heavily wooded and features a blue line stream as well as a 100-year floodplain in close proximity to Erkwood Dr.

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

The proposed zoning presents an opportunity for compatible infill development and a mix of land uses as called for in Chapters 2, 8 and 9 of the City's 2030 Comprehensive Plan.

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

DRAFT [Rationale for Approval]

- *Greenville Highway Mixed Use is the predominant zoning district in this area*
- *The petition aligns with the Henderson County's Future Land Use designation*

DRAFT [Rational for Denial]

- *The proposed zoning would permit development that does not align with the County's current R-40 zoning.*

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9577-18-7316 BY CHANGING THE ZONING DESIGNATION FROM MIC HENDERSON COUNTY R-40, ESTATE RESIDENTIAL ZONING DISTRICT TO CITY OF HENDERSONVILLE GHMU (GREENVILLE HIGHWAY MIXED USE) ZONING DISTRICT

IN RE: Parcel Numbers: 9577-18-7316
Erkwood Dr – Kilpatrick (File # P22-48-RZO)

WHEREAS, the City is in receipt of an Annexation application from owners, Cameron & Kina Kilpatrick, for a 1.89 Acre tract along Erkwood Dr near the intersection of Greenville Highway and Shepperd St adjacent to city limits, and

WHEREAS, the Planning Board took up this application at its regular meeting on June 13, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on July 7th, 2022,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9577-18-7316 from Henderson County R-40, Estate Residential Zoning District to City of Hendersonville GHMU (Greenville Highway Mixed Use).
2. Any development of this parcel 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.

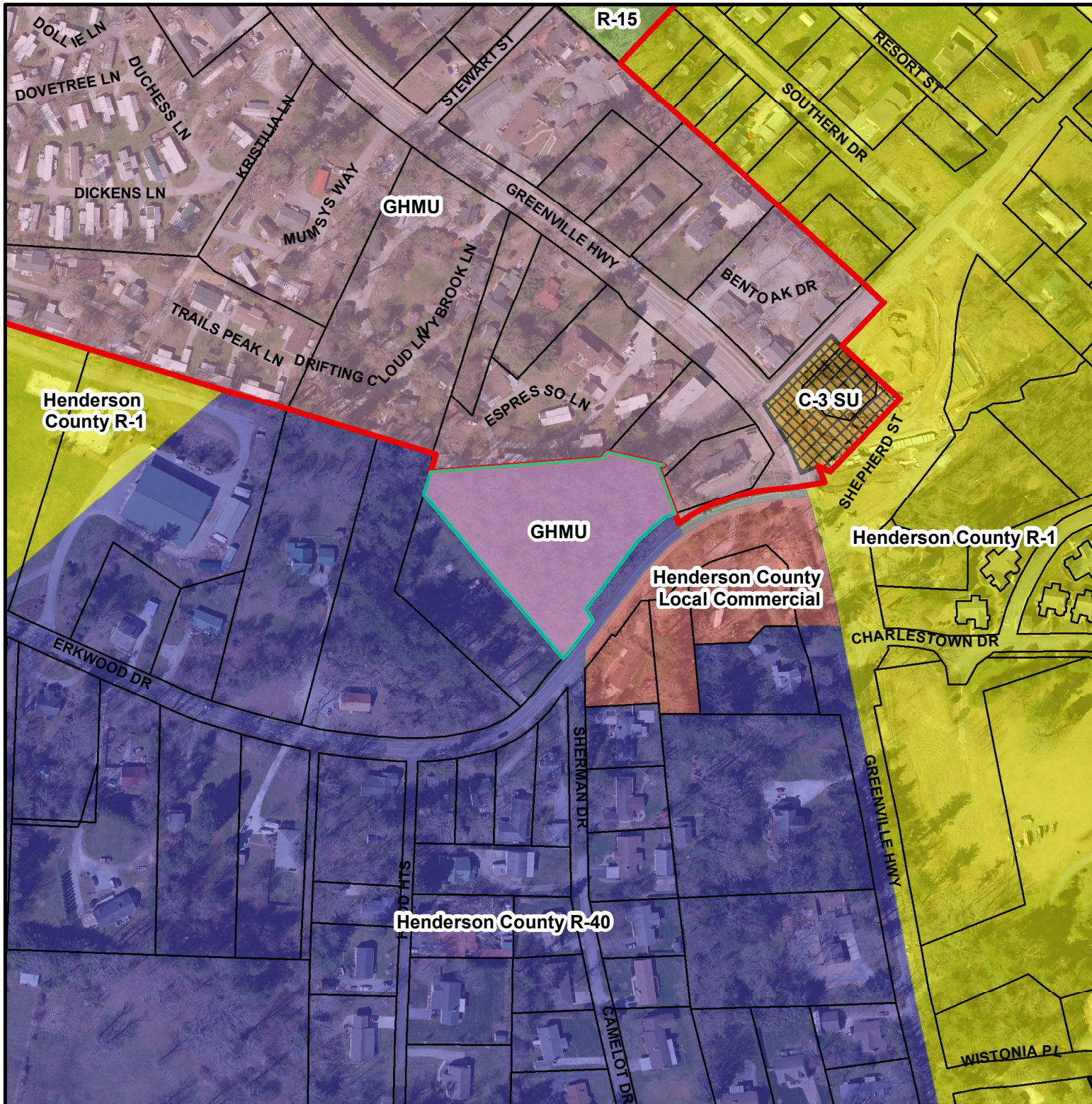
Adopted this 7th day of July 2022.

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









Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Erkwood Dr. Rezoning
P22-48-RZO
PINs:9577-18-7316
Acreage: 1.89
Proposed Zoning
Community Development Department

-  Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
-  R-15 Medium Density Residential
 -  C-3SU Highway Business Special Use
 -  GHMU Greenville Highway Mixed Use
- Henderson County Zoning**
-  Local Commercial
 -  R-1 - Residential 1
 -  R-40





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: June 13, 2021

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – Upward Rd-Justus-Erwin (P22-49-RZO) – Matthew Manley, AICP – Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9588-40-6934; 9588-40-7844; 9588-40-8795) from Henderson County RC, Regional Commercial zoning district to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

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

The proposed zoning provides design standards which align with most of the design guidelines outlined under Strategy LU-9.4 of the City’s 2030 Comprehensive Plan.

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

1. Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area
2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area
3. The property is located in an area designated as a “Priority Growth Area”

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9588-40-6934; 9588-40-7844; 9588-40-8795) from Henderson County RC, Regional Commercial zoning district to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

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

The proposed zoning provides design standards which align with most of the design guidelines outlined under Strategy LU-9.4 of the City’s 2030 Comprehensive Plan.

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

1. While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-9.4, not all of the guidelines are requirements of this zoning district.

[DISCUSS & VOTE]

according to the City’s Comprehensive Plan	
[DISCUSS & VOTE]	

SUMMARY: The City of Hendersonville received an Annexation application from Jeff Justus and James & Ruth Erwin (owners) for a group of 3 parcels totaling 3.795 Acres along Upward Rd at the intersection of Ballenger Rd. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County Regional Commercial to CHMU, Commercial Highway Mixed Use.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City’s ETJ but within the Upward Road Planning District.

CHMU permits a range of intense commercial uses along with single-family, two-family and multi-family residential. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft.

PROJECT/PETITIONER NUMBER:	P22-49-RZO
PETITIONER NAME:	City of Hendersonville [applicant] Jeff Justus [Owner] James & Ruth Erwin Jr [Owner]]
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map

STANDARD REZONING: UPWARD RD – JUSTUS/ERWIN (P22-49-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

REZONING HISTORY 7

FUTURE LAND USE 8

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

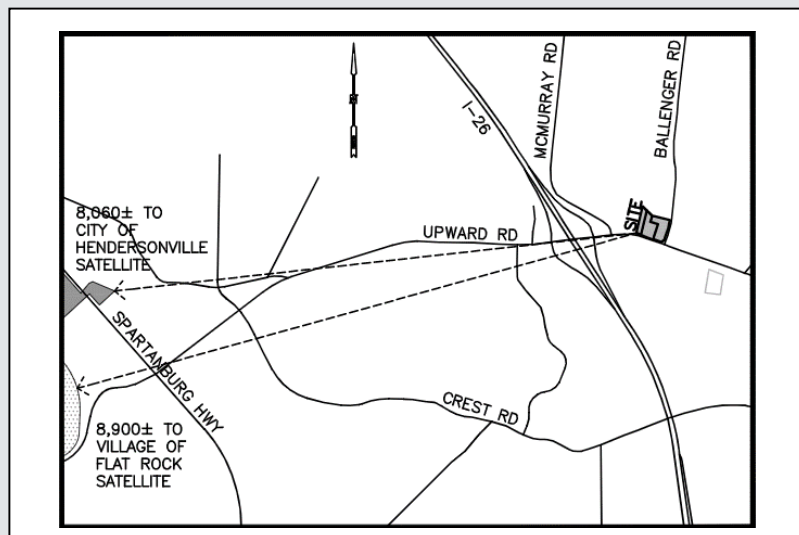
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) 11

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 12



PROJECT SUMMARY

- Project Name & Case #:
 - Upward Rd – Justus/Erwin
 - P22-49-RZO
- Applicant & Property Owner:
 - City of Hendersonville [Applicant]
 - Jeff Justus [Owner]
 - James & Ruth Erwin Jr [Owner]
- Property Address:
 - 775 & 779 Upward Rd
- Project Acreage:
 - 3.795 Acres
- Parcel Identification (PINS):
 - 9588-40-6934; 9588-40-7844; 9588-40-8795
- Current Parcel Zoning:
 - RC - Regional Commercial (County)
- Proposed Zoning District:
 - CHMU (Commercial Highway Mixed Use)
- Future Land Use Designation:
 - City – Regional Activity Center
 - County – Community Service Center & Industrial



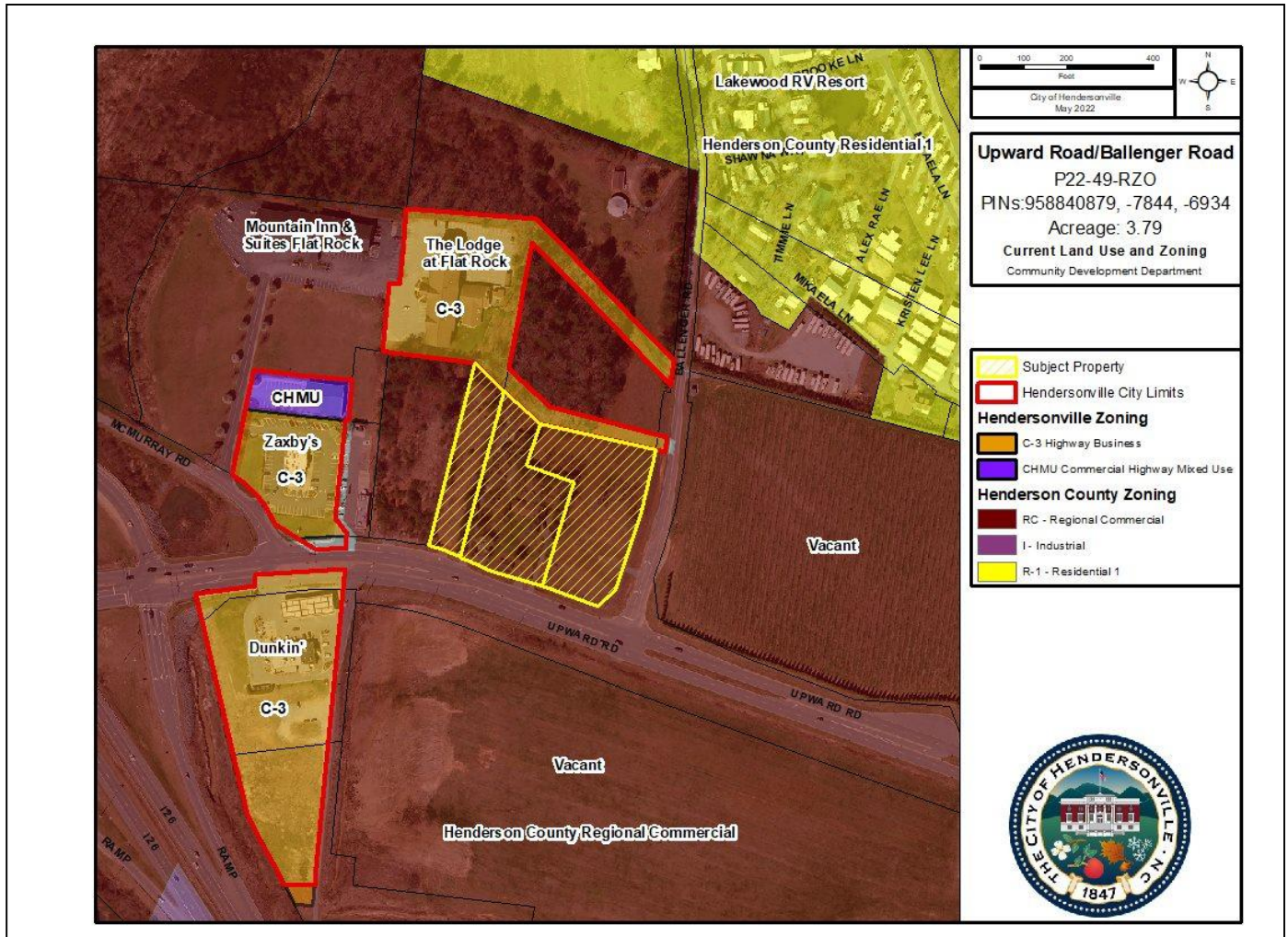
SITE VICINITY MAP

The City of Hendersonville received an Annexation application from Jeff Justus and James & Ruth Erwin (owners) for a group of 3 parcels totaling 3.795 Acres along Upward Rd at the intersection of Ballenger Rd. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County RC, Regional Commercial to CHMU, Commercial Highway Mixed Use.

The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District.

CHMU permits a range of intense commercial uses along with single-family, two-family and multi-family residential. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Regional Commercial under Henderson County's Zoning Jurisdiction. It is located outside of the corporate City Limits in an area where some satellite parcels have been annexed into the City with zoning designations including Commercial Highway Mixed Use (CHMU) and C-3 Highway Business. The properties within these districts are developed with fast food restaurant chains and lodging. There is a significant amount of vacant property as well as commercial and institutional uses in proximity of the subject parcel.

The County zoning in this area is predominantly Regional Commercial (RC) with some Residential I (RI) further setback from Upward Rd. The RC zoning includes "a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level." The RC allows for up to 16 units / acre for residential development. The RI zoning is intended to "allow for medium to high-density residential development" and permits densities ranging from 4 units / acre up to 12 units / acre.

SITE IMAGES



View facing north along Ballenger Rd



View facing west along Upward Rd from Ballenger Rd

SITE IMAGES



View of subject property from Upward Rd



View facing east along Upward Rd towards Ballenger Rd

SITE IMAGES



View of current site conditions on subject property



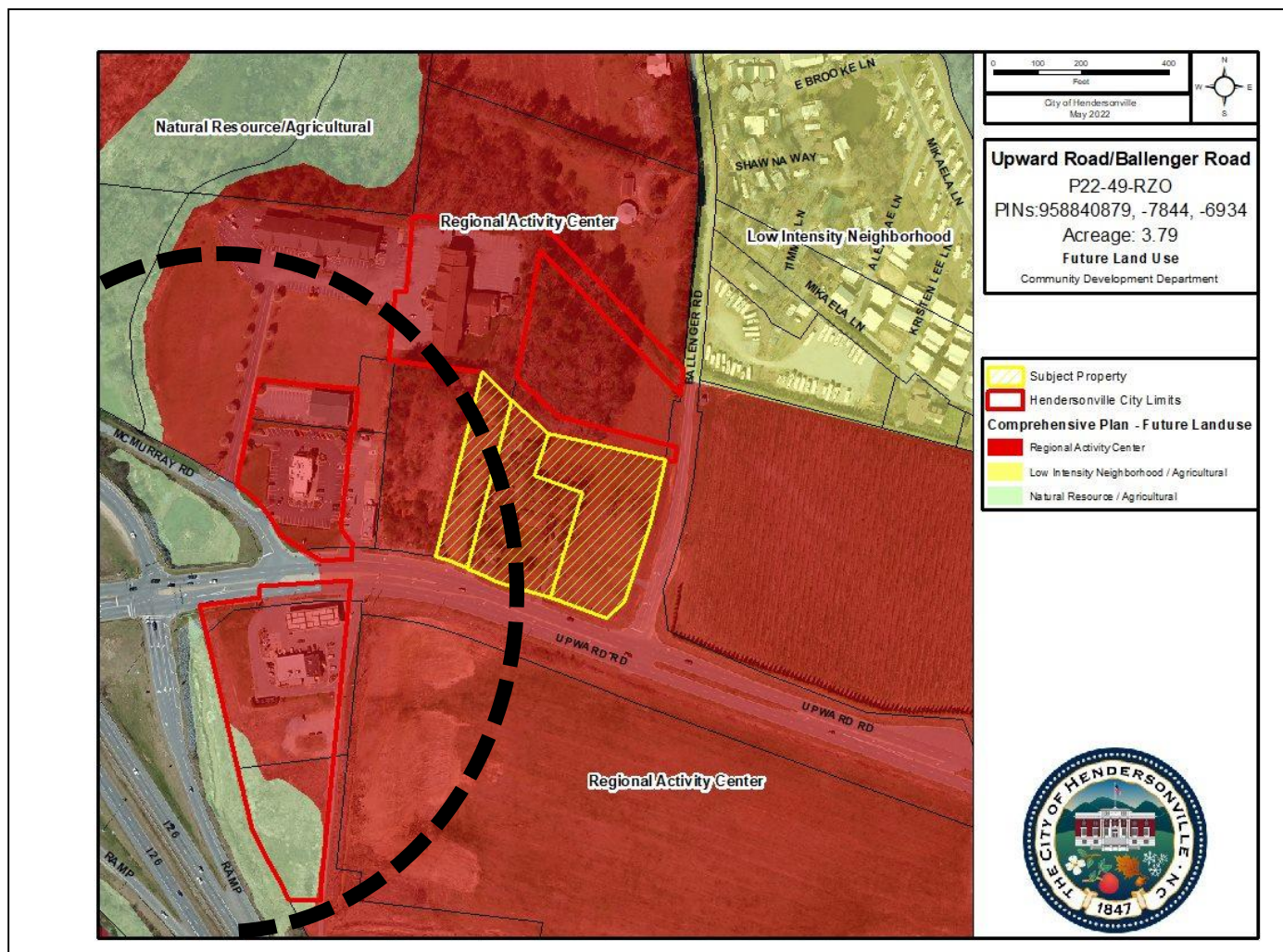
View of current site conditions on subject property

REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
N/A	N/A	N/A

- No information is known about the prior County zoning on the property

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The City's 2030 Comprehensive Plan designates the subject property as Regional Activity Center and it is located along the perimeter of an Activity Node as indicated in the City's Future Land Use Map.

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

The only other future land use designations in proximity to the subject property are Natural Resource / Agricultural, due to the presence of the Dunn Creek floodplain east of I-26, and Low Intensity Neighborhood, further setback from Upward Rd to the northeast of the subject property.

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

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	The subject property is designated as <i>Regional Activity Center</i> on the <i>Future Land Use Map</i> . Goal LU-9. Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects [CONSISTENT]
	Strategy LU-9.2. Primary recommended land uses: • Community and regional retail sales and services [CONSISTENT]
	Strategy LU-9.4. Development guidelines: • Mitigation of bulk of large buildings through façade detailing and window coverage [CONSISTENT] • Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures [INCONSISTENT] • Provision of pedestrian connections to parking and other buildings and properties [CONSISTENT]
	Activity Nodes: • Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] • Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged [CONSISTENT] • Location of all parking to the side or rear of buildings or in a garage encouraged [INCONSISTENT] • Improved pedestrian connections to surrounding neighborhoods [CONSISTENT]
	The subject property is designated as a <i>Priority Growth Area</i> on the <i>Growth Management Map</i> .
	The subject property is designated as a <i>Development Opportunity</i> on the <i>Development Framework Map</i> .
Land Use & Development	Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment...
	Goal LU-3. Promote fiscal responsibility with development, annexation and expansion of Hendersonville's Extra-Territorial Jurisdiction (ETJ).
Population & Housing	Strategy PH-1.1. Promote compatible infill
	Strategy PH-3.2. Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	No Goals, Strategies or Actions are directly applicable to this project.
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.

Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management
Transportation & Circulation	Strategy TC-1.1. - Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-5.2. Enhance key entrances within the City.

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area. Two of the parcels have been vacant, while the center parcel featured two structures that have since been removed.
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Additional commercial development within the City will generate additional tax revenue. Additional residential development within the City would provide needed housing.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. The Comp Plan designates Ballenger as a Local Street and it is also an NCDOT maintained street. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	The subject property had featured some trees that have now been cleared.

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

The Goals & Strategies of LU-9. “Regional Activity Center” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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

DRAFT [Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a “Priority Growth Area” according to the City’s Comprehensive Plan*

DRAFT [Rational for Denial]

- *While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-9.4, not all of the guidelines are requirements of this zoning district.*

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9588-40-6934; 9588-40-7844; 9588-40-8795 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY RC, REGIONAL COMMERCIAL ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE)

IN RE: Parcel Numbers: 9588-40-6934; 9588-40-7844; 9588-40-8795
Upward Rd-Justus-Erwin (File # P22-49-RZO)

WHEREAS, the City is in receipt of a Annexation petition from applicants/owners, Jeff Justus and James & Ruth Erwin Jr for a group of three parcels totaling 3.795 Acres along Upward Rd at the intersection of Ballenger Rd., and

WHEREAS, the Planning Board took up this application at its regular meeting on June 13, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on July 7th, 2022,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9588-40-6934; 9588-40-7844; 9588-40-8795 from Henderson County RC, Regional Commercial Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use)
2. Any development of this parcel 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.

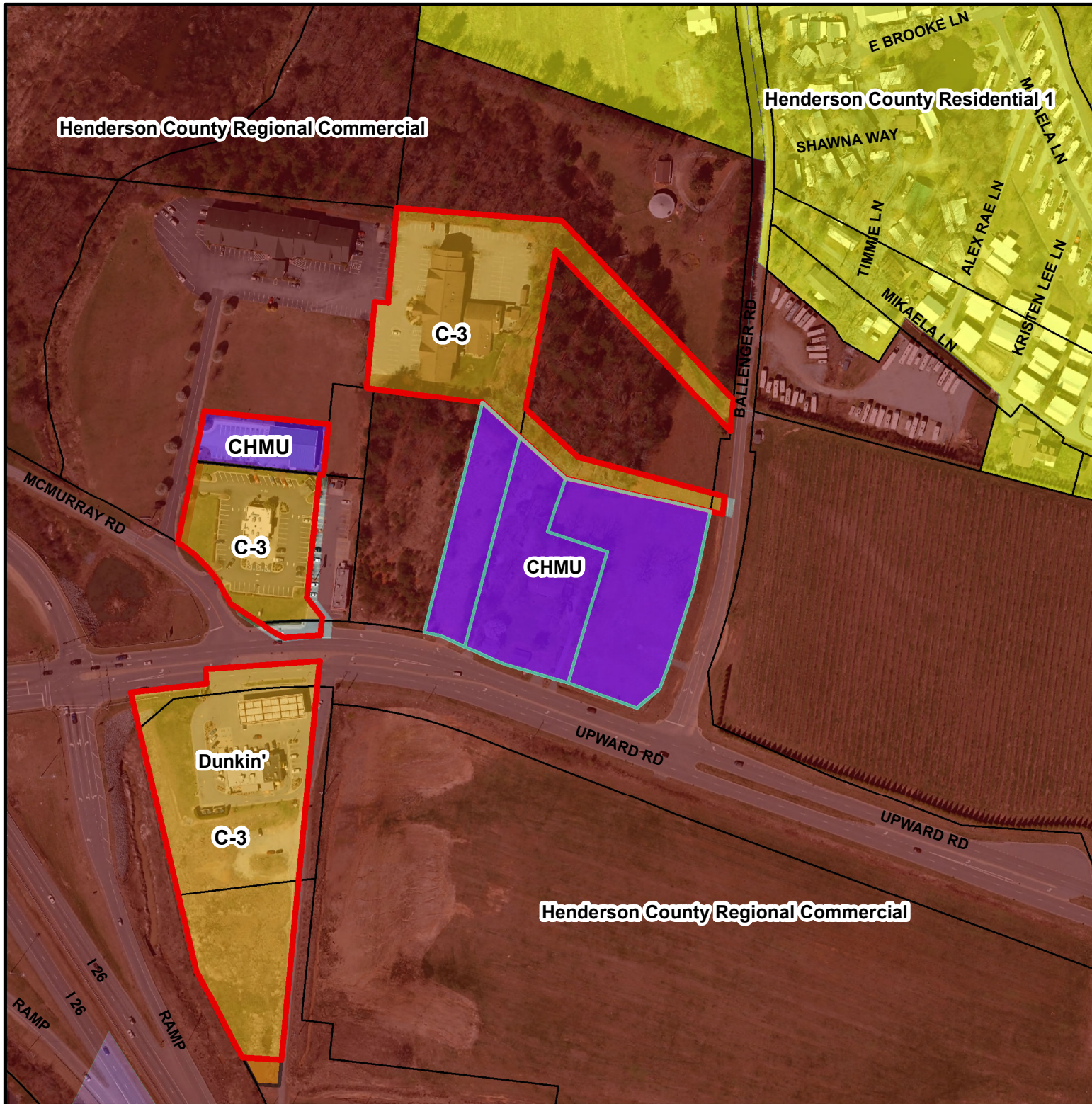
Adopted this 7th day of June 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Upward Road/Ballenger Road
P22-49-RZO
PINs:958840879, -7844, -6934
Acreage: 3.79
Proposed Zoning
Community Development Department

- Subject Property
 Hendersonville City Limits
- Hendersonville Zoning**
- C-3 Highway Business
 - CHMU Commercial Highway Mixed Use
- Henderson County Zoning**
- RC - Regional Commercial
 - I - Industrial
 - R-1 - Residential 1





CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley, Planning Manager

MEETING DATE: June 13, 2021

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – Edwards Park (P22-52-RZO) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9569-70-5860) from C-3, Highway Business & R-6, High Density Residential to R-6, High Density Residential based on the following:

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

The Future Land Use designation of Natural Resource / Agricultural Area recommends primary uses which are compatible with publicly-owned properties zoned R-6, High Density Residential.

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

1. R-6 zoning would be an expansion of the primary zoning classification of the subject property
2. R-6 zoning permits uses which are compatible with surrounding land uses
3. R-6 zoning contains dimensional standards which are compatible with the surrounding built environment

[DISCUSS & VOTE]

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9569-70-5860) from C-3, Highway Business & R-6, High Density Residential to R-6, High Density Residential based on the following

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

The Future Land Use designation of Natural Resource / Agricultural Area recommends primary uses which are compatible with publicly-owned properties zoned R-6, High Density Residential.

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

1. R-6 zoning would reduce the number of permitted uses on a portion of the subject property

[DISCUSS & VOTE]

SUMMARY: The City of Hendersonville is initiating a rezoning for a remnant of property zoned C-3 on a parcel (PIN: 9569-70-5860) owned by the Hendersonville Board of Education. The parcel is split zoned R-6 & C-3. The total parcel is 1.47 acres. The portion currently zoned R-6 makes up approximately 93% of property. The remaining 1/10th of an acre is zoned C-3. An exempt subdivision occurred involving the subject property on September 3, 2021 which reduced the size of the parcel and reduced the portion zoned C-3. The proposed rezoning would eliminate the split zoning making the entire parcel R-6, High Density Residential. This would be considered a downzoning and would change the dimensional requirements as follows:

<u>C-3 (non-residential)</u>	<u>C-3 (residential)</u>
Front: 35'	20'
Side: 15'	8'
Rear: 20	10'

R-6

Front: 20'
Side: 8'
Rear: 10'

PROJECT/PETITIONER NUMBER:	P22-52-RZO
PETITIONER NAME:	City of Hendersonville [applicant] Hendersonville Board of Education [owner]
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Proposed Zoning Map

STANDARD REZONING: EDWARDS PARK (P22-52-RZO)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE 3

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

REZONING HISTORY 7

FUTURE LAND USE 8

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

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

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 12



PROJECT SUMMARY

- Project Name & Case #:
 - Edwards Park
 - P22-52-RZO
- Applicant & Property Owner:
 - City of Hendersonville [Applicant]
 - Hendersonville Board of Education [Owner]
- Property Address:
 - 1001 N Main St
- Project Acreage:
 - 1.47 Acres Total Parcel
 - 0.10 Acres to be rezoned
- Parcel Identification (PIN):
 - 9569-70-5860
- Current Parcel Zoning:
 - R-6
 - C-3
- Proposed Zoning District:
 - R-6
- Future Land Use Designation:
 - Natural Resource / Agricultural



SITE VICINITY MAP

The City of Hendersonville is initiating a rezoning for a remnant of property zoned C-3 on a parcel (PIN: 9569-70-5860) owned by the Hendersonville Board of Education. The parcel is split zoned R-6 & C-3. The total parcel is 1.47 acres. The portion currently zoned R-6 makes up approximately 93% of property. The remaining 1/10th of an acre is zoned C-3. An exempt subdivision occurred involving the subject property on September 3, 2021 which reduced the size of the parcel and reduced the portion zoned C-3. The proposed rezoning would eliminate the split zoning making the entire parcel R-6, High Density Residential. This would be considered a downzoning and would change the dimensional requirements as follows:

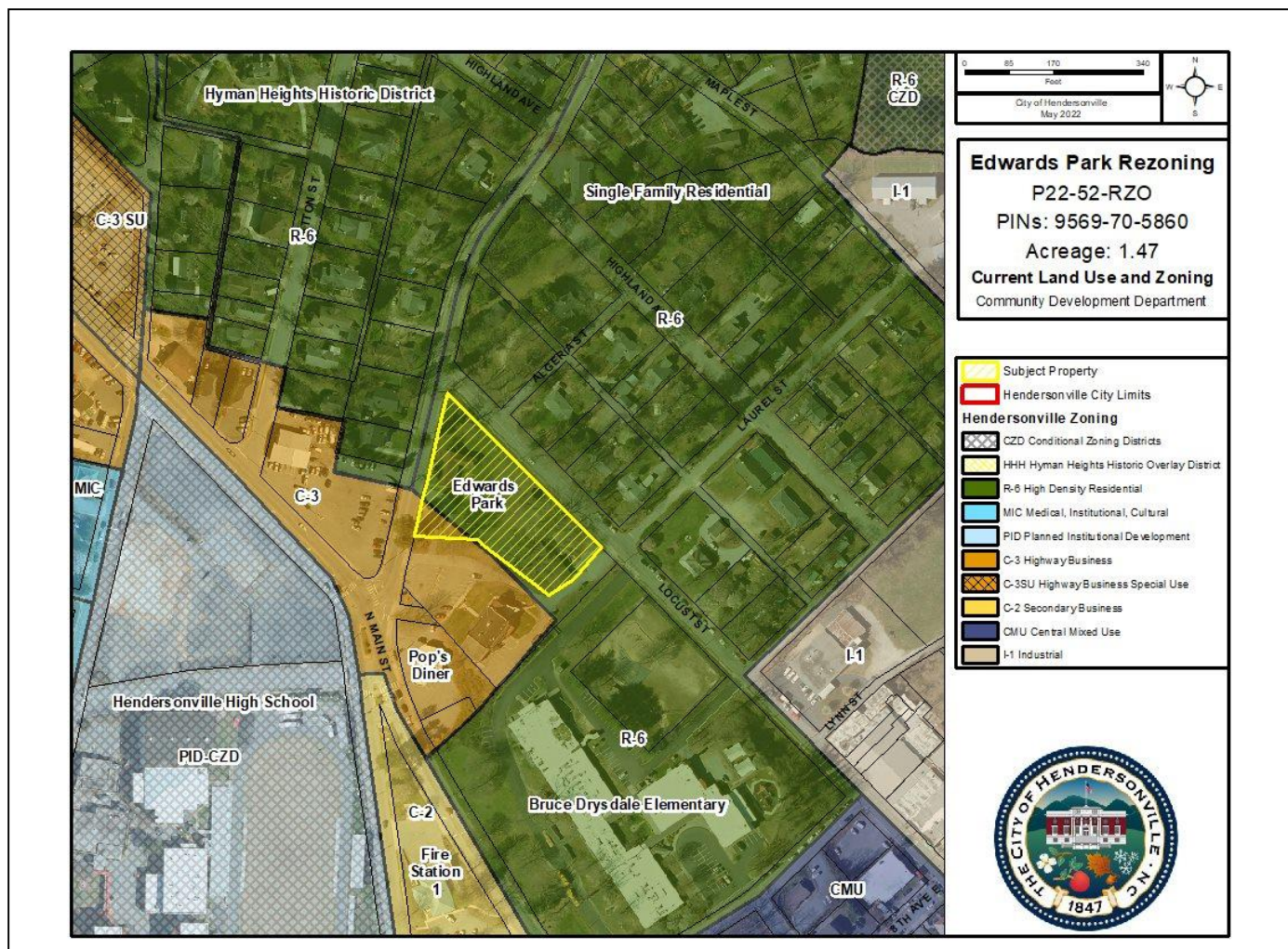
C-3 (non-residential) C-3 (residential)

Front:	35'	20'
Side:	15'	8'
Rear:	20	10'

R-6

Front:	20'
Side:	8'
Rear:	10'

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property currently serves as a portion of Edwards Park. The property is split zoned R-6 and C-3.

The R-6 zoning extends south covering Bruce Drysdale Elementary School and to the northwest, northeast and east covering the historic residential areas of Hyman Heights (Local Historic District) and Cold Spring Park (National Register Historic District).

The C-3 Zoning extends northwest along Asheville Highway from the intersection with N. Main St. C-2 Zoning is found at the southern corner of N. Main St and Asheville Hwy at the location of Fire Station 1.

Planned Institutional Development zoning is located on the parcels that make up Hendersonville High School.

SITE IMAGES



View looking northeast along N. Main St



View of existing conditions at center of site

SITE IMAGES



View of existing conditions including Scout Huts. Facing north towards the VFW building



View of additional Scout Huts on the property. View from Locust St.

SITE IMAGES



View of Scout Huts facing towards N. Main St

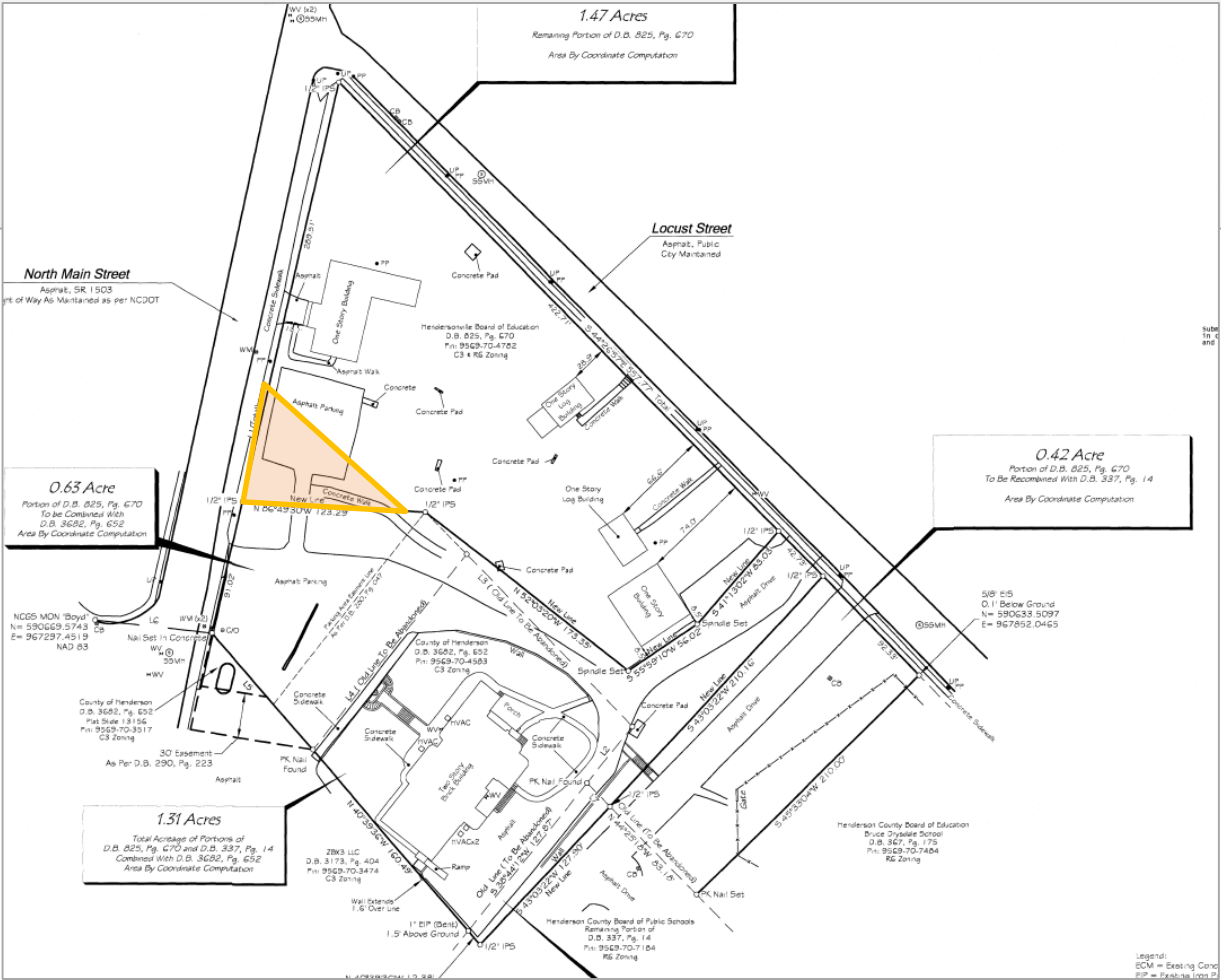


View of center of site facing intersection of N. Main & Asheville Hwy / Hendersonville High School

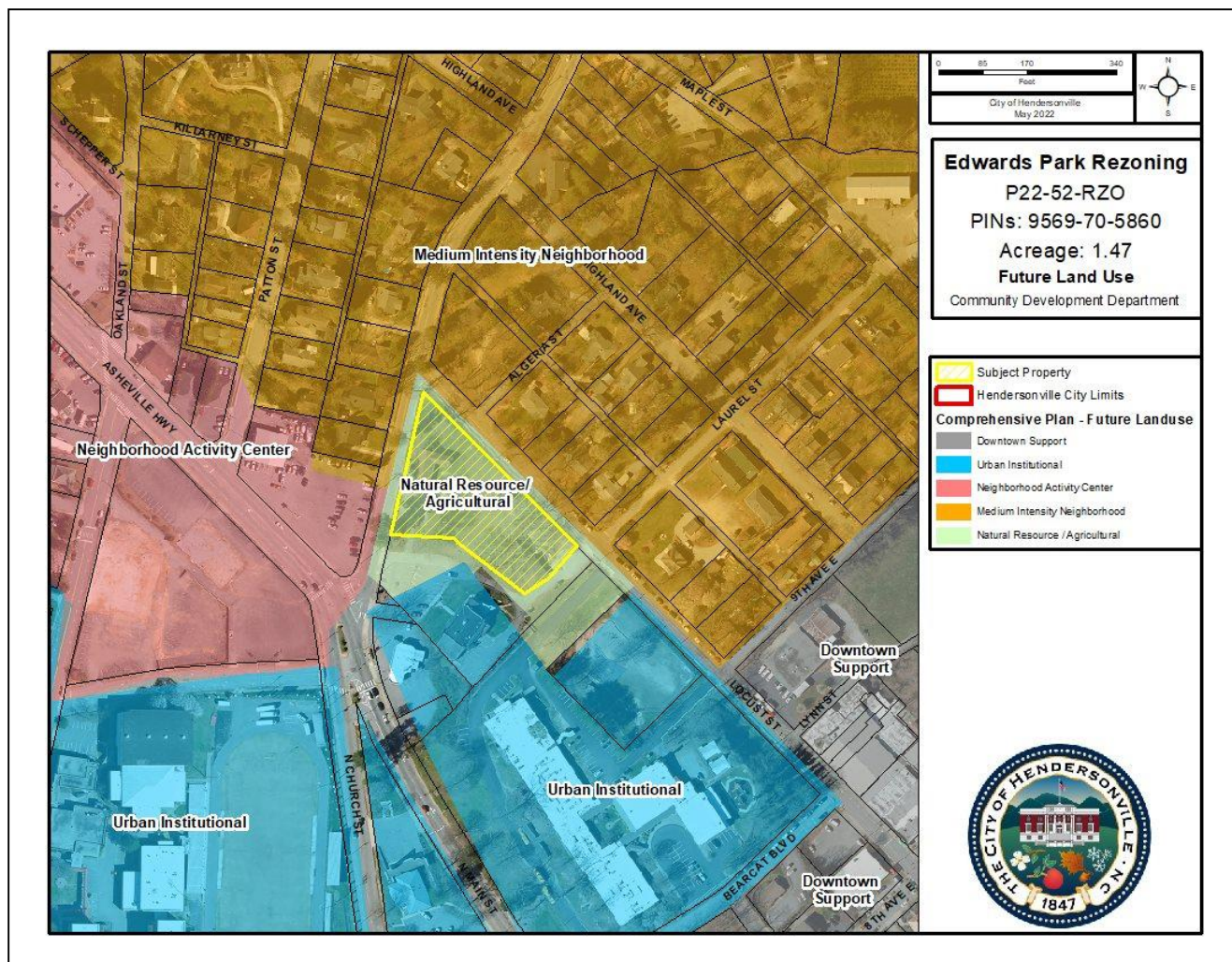
REZONING HISTORY

Prior Rezoning	Summary of Prior Petition	Status
N/A	N/A	N/A

- No information is known about the prior zoning on the property
- An exempt subdivision occurred on the subject property in September 2021. This reduced the amount of land associated with the subject property and increased the land associated with the VFW building. The parcel with the VFW building now includes the parking lot area fronting on N. Main St as well as access to Locust St. The subdivision reduced the amount of land zoned C-3 on the subject property but a remnant of C-3 remains (shown in orange below).



FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as Natural / Agricultural Resource. This future land use designation is recommended to accommodate open space, agricultural uses, flood storage/stormwater facilities, and recreational amenities.

The subject parcel is adjacent to Medium Intensity Neighborhood to the north, northwest, and east; Neighborhood Activity Center to the west; and Urban Institutional to the south.

Properties designated as Downtown Support are in close proximity.

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

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY

Future Land Use	<p>The subject property is designated as Natural Resource / Agricultural Area on the City's <i>Future Land Use Map</i>.</p> <p>Goal LU-4. Natural Resource/Agricultural Areas: Create an interconnected network of green infrastructure that preserves environmentally sensitive areas, protects water resources through low-impact stormwater management, provides floodwater storage, provides community open space and recreational opportunities, and preserves agricultural resources. [CONSISTENT]</p> <p>Strategy LU-4.2. Primary recommended land uses:</p> <ul style="list-style-type: none"> • Open space • Recreational amenities [CONSISTENT] • Low-impact stormwater management facilities • Flood storage [CONSISTENT] • Agricultural uses
Land Use & Development	<p>The Growth Management Map list the subject property as Natural Resource/Agricultural Area: "Areas in which the City should discourage development and promote the preservation of environmentally sensitive features and agricultural resources." [CONSISTENT]</p> <p>Due to previous development of the site, the subject property is not listed as a Development Opportunity in the <i>Development Framework Map</i>.</p> <p>Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods.</p> <p>Strategy LU-1.2. Enhance areas surrounding infill projects in order to incentivize and leverage the benefits of infill development.</p>
Population & Housing	<p>Goal PH-1. Maintain and enhance older neighborhoods so that they retain their value and viability in the face of demographic and market changes.</p> <p>Strategy PH-1.5. Maintain and enhance the public space in older neighborhoods.</p> <p>Action PH-1.5.4. Develop City-owned property within neighborhoods into neighborhood parks.</p> <p>Action PH-1.5.5. Seek opportunities to acquire additional property for future parks.</p>

Natural & Environmental Resources	Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat.
Cultural & Historic Resources	Strategy CR-1.4. Design the public realm to complement historic architecture through features such as uniquely designed signage and street furniture.
	Strategy CR-2.1. Incorporate interpretive and promotional elements within historic neighborhoods that educate citizens and visitors about Hendersonville's rich history
Community Facilities	Goal CF-1. Maximize the utilization of community facilities as community focal points in order to promote sound stewardship of taxpayer dollars and afford increased quality in facilities. Strategy CF-1.1. Encourage co-location of new community facilities. Strategy CF-1.2. Continue to encourage joint use of existing community facilities, as well as usage of these facilities by community organizations. Strategy CF-1.3. Encourage location of community facilities in mixed-use community centers with excellent multimodal access
	Strategy CF-3.1. Balance investment in new park space and amenities with anticipated maintenance resources.
	Strategy CF-4.1. Create a strong theme and brand for parks in order to increase their awareness and visibility
	Goal CF-5. Expand and adjust park amenities to match community needs and expectations. Strategy CF-5.2. Evaluate park facilities to determine usage and redesign or replace underutilized facilities. Strategy CF-5.4. Develop detailed recommendations for new park acquisitions, improvements to existing parkland, and replacement of underutilized equipment. Strategy CF-5.5. Ensure that new parks are designed as safe environments for users.
	Goal CF-6. Encourage that a park and/or accessible open space are available within a ten-minute walk of each neighborhood. Strategy CF-6.2. Develop existing City-owned vacant parcels within existing neighborhoods into pocket parks and gathering places
Water Resources	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	No Goals, Strategies or Actions directly applicable to this petition

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

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	The proposed R-6 zoning would expand existing R-6 zoning to a remnant of the subject property zoned C-3. The subject property is publicly-owned and the R-6 zoning would permit the existing use of 'park'.
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The Fire Station I location across from the subject property between N. Main St and N. Church St is being utilized for an expansion of fire department facilities. The impact of the expansion calls for a need for additional park facilities in this area of town.
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 expansion of R-6 zoning would permit uses which are in the public interest including parks and neighborhood community centers.
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The subject property is in an urban location that is well served by public facilities.
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 subject property features a piped blue line stream that runs along N. Main St on the western edge of the subject property. The stream is daylighted north of Locust St.

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

The Future Land Use designation of Natural Resource / Agricultural Area recommends primary uses which are compatible with publicly-owned properties zoned R-6, High Density Residential.

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

DRAFT [Rationale for Approval]

- *R-6 zoning would be an expansion of the primary zoning classification of the subject property*
- *R-6 zoning permits uses which are compatible with surrounding land uses*
- *R-6 zoning contains dimensional standards which are compatible with the surrounding built environment*

DRAFT [Rational for Denial]

- *R-6 zoning would reduce the number of permitted uses on a portion of the subject property*

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBERS 9569-70-5860 BY CHANGING THE ZONING DESIGNATION FROM R-6, HIGH DENSITY RESIDENTIAL & C-3, HIGHWAY BUSINESS TO R-6 HIGH DENSITY RESIDENTIAL

IN RE: Parcel Numbers: 9569-70-5860
Edwards Park (File # P22-52-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on June 13, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on July 7th, 2022,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9569-70-5860 from R-6, High Density Residential & C-3, Highway Business to R-6 High Density Residential
2. Any development of this parcel 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.

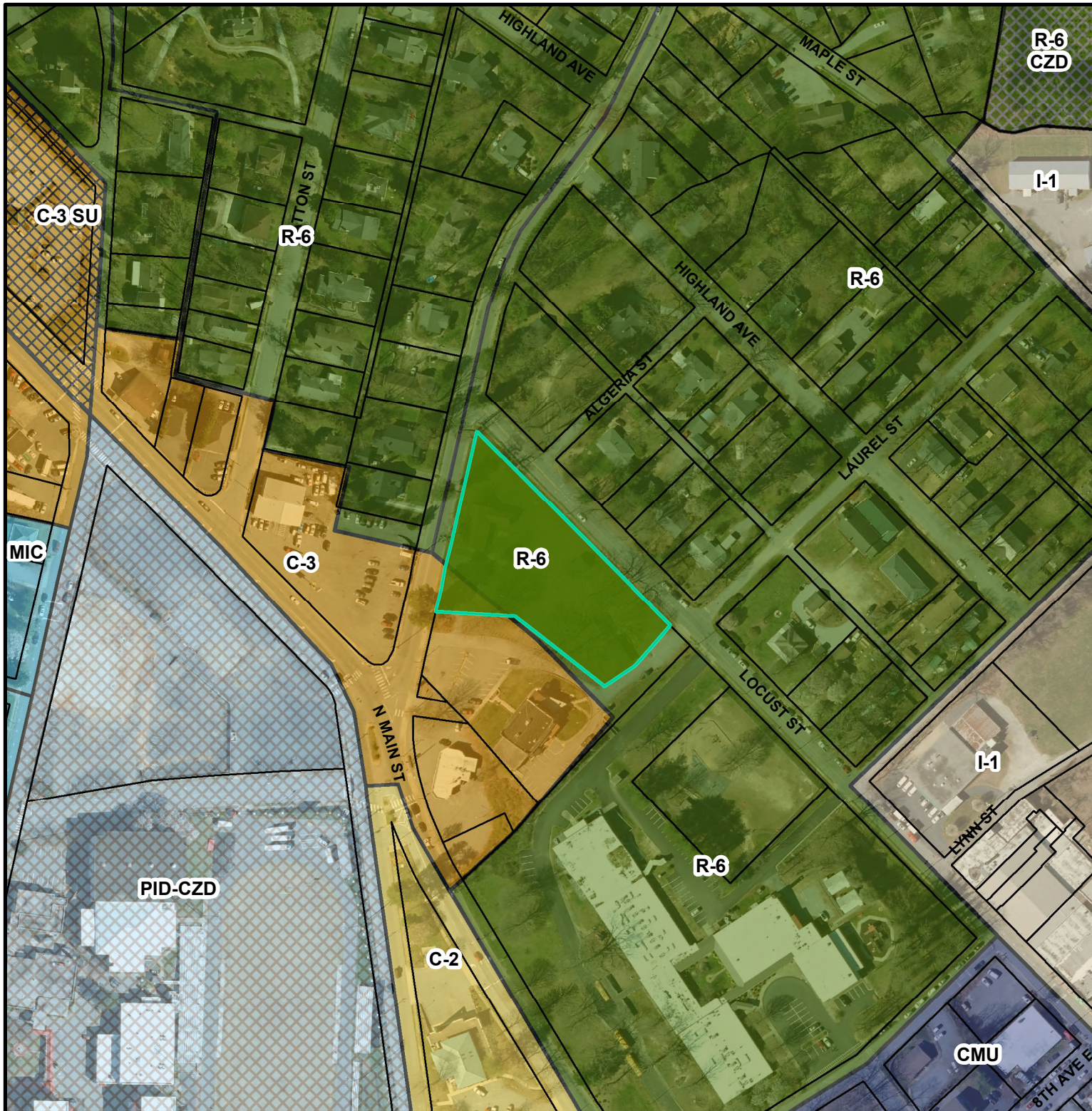
Adopted this 7th day of July 2022.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Edwards Park Rezoning
 P22-52-RZO
 PINs: 9569-70-5860
 Acreage: 1.47
Proposed Zoning
 Community Development Department

- Subject Property
- Hendersonville City Limits
- Hendersonville Zoning**
- CZD Conditional Zoning Districts
- HHH Hyman Heights Historic Overlay District
- R-6 High Density Residential
- MIC Medical, Institutional, Cultural
- PID Planned Institutional Development
- C-3 Highway Business
- C-3SU Highway Business Special Use
- C-2 Secondary Business
- CMU Central Mixed Use
- I-1 Industrial





CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** June 13, 2022

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

TITLE OF ITEM: Zoning Text Amendment: Sidewalk Requirements (P22-46-ZTA) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VI. – General Provisions, Section 6-12 Sidewalks, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The 2030 Comprehensive Plan calls for the City to continue to require adequate public facilities for new developments, to promote safe & walkable neighborhoods, to provide pedestrian connections to services and public facilities, and to develop a multi-modal transportation network.</p> <p>2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The text amendment reduces the trigger for sidewalk construction for new developments to a ten-minute walk (0.5 miles).2. The text amendment ensures that additional public amenities are considered when determining if sidewalks are required as part of a new development.3. The text amendment aligns with requirements for sidewalks found in the Subdivision Ordinance .4. The text amendment ensures that multi-family developments will require sidewalks or a fee-in-lieu of sidewalks	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VI. – General Provisions, Section 6-12 Sidewalks, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p>The 2030 Comprehensive Plan calls for the City to continue to require adequate public facilities for new developments, to promote safe & walkable neighborhoods, to provide pedestrian connections to services and public facilities, and to develop a multi-modal transportation network.</p> <p>2. We [<u>do not find</u>] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The text amendment limits sidewalk construction by reducing the trigger for new sidewalks to 0.5 mile linear traverse from public amenities. <p>[DISCUSS & VOTE]</p>
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[DISCUSS & VOTE]	
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***SUMMARY:** The City of Hendersonville is initiating a Zoning Text Amendment related to requirements for Sidewalks (Sec. 6-12.)*

City staff is adjusting the standards to reduce the distance a property can be from public amenities in determining if sidewalks are required. The current distance triggering construction of sidewalks are for properties within 1.5 miles of specified public amenities. The proposal is to reduce the distance to .5 miles while also increasing the type/number of amenities that would trigger the construction of sidewalks. In all circumstances, expedited subdivisions, minor subdivisions, major subdivisions, CZDs and multi-family projects would be required to construct sidewalks under the proposed changes and in accordance with existing subdivision ordinance requirements.

The proposed revisions also clarify how measurements are determined and the fee-in-lieu process.

PROJECT/PETITIONER NUMBER:	P22-46-ZTA
PETITIONER NAME:	The City of Hendersonville
ATTACHMENTS:	<div> <div>1. Staff Report</div> <div>2. Draft Ordinance</div> </div>

ZONING TEXT AMENDMENT: SIDEWALK REQUIREMENTS (P22-46-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

LEGISLATIVE COMMITTEE RECOMMENDATION 3

STAFF ANALYSIS 3

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

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 6



PROJECT SUMMARY



- Project Name & Case #:
 - Sidewalk Requirements
 - P22-46-ZTA

- Applicant:
 - City of Hendersonville

- Articles Amended:
 - Section 6-12. - Sidewalks.

- Applicable Zoning District(s):
 - The standards for sidewalks applies to all zoning districts. The primary zoning districts impacted by the proposed amendments are:
 - PMH
 - R-40
 - R-20
 - R-15
 - R-10
 - R-6
 - PRD

Summary of Amendment Petition:

The City of Hendersonville is initiating a Zoning Text Amendment related to requirements for Sidewalks (Sec. 6-12.)

The amendment proposes to adjust the standards which determine if sidewalks are required to be constructed. The distance standard, for requiring sidewalk construction when a subject property is within a certain distance of a public amenity, would be reduced. The current distance triggering construction of sidewalks is applied to subject properties within 1.5 miles of specified public amenities. The proposal is to reduce the distance to .5 miles while expanding the list of what qualifies as a “sidewalk-triggering” public amenity. In all circumstances, expedited subdivisions, minor subdivisions, major subdivisions, CZDs and multi-family projects would be required to construct sidewalks under the proposed changes and in accordance with existing subdivision ordinance requirements.

The proposed revisions also clarify how measurements are determined and the fee-in-lieu process.

LEGISLATIVE COMMITTEE RECOMMENDATION

The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, May 17, 2022. Only one member, Neil Brown, was in attendance. Mr. Brown asked a series of questions in regards to various sections of the proposed text amendment. Mr. Brown was supportive of the changes as proposed.

STAFF ANALYSIS

After additional review and consideration staff are recommending the following revisions:

Sec. 6-12. Sidewalks.

It is the intent of this section that sidewalks shall be provided in residential zoning districts on one side of every street and in nonresidential districts along both sides of the street.

Sidewalks shall be constructed from property line to property line within the street right-of-way, or, in the alternative, within areas set aside by dedication, or otherwise, in accordance with the city's sidewalks and driveway entrance standards.

Sidewalks shall not be required in specific circumstance as outlined in the City's Subdivision Ordinance.

6-12-1 Residential districts.

a) Sidewalks shall be required for new construction in areas zoned ~~PRDCZD~~, PMH, R-40, ~~R-40 SU~~, R-20, ~~R-20SU~~, R-15, ~~R-15SU~~, R-10, ~~R-10SU~~, R-6, ~~R-6SU~~, when one of the following conditions is present:

- a1) When the property adjoins property with an existing sidewalk or property associated with an approved development which involves the construction of sidewalks or trails;
- b2) When an existing segment of sidewalk or approved development involving the construction of sidewalks or trails is within 400 feet linear traverse of the property on the same side of the street;
- e3) When the property is within one ~~and one~~ half miles linear traverse of a public amenity such as a school, hospital, library, police station, city hall, city operations building, bus stop or government building, public park, existing public trail/greenway or proposed public trail/greenway as identified in the City's adopted long range planning documents (ex. Comprehensive Plan, Trails & Greenways Plan, Bicycle Plan, Pedestrian Plan, etc.).

b) Notwithstanding the foregoing, however, within the city's area of extraterritorial jurisdiction sidewalks shall not be required in the following circumstances:

- a) ~~The platting of a minor subdivision as defined in the subdivision ordinance;~~
- b1) The construction of a single-family or two-family dwelling on previously platted property.

c) The city manager may require that a sidewalk be built across the street from the site of new construction when the following conditions exist:

- a1) No sidewalk adjoins the site;
- b2) A sidewalk exists on the other side of the street ~~in the vicinity~~ within a 400- foot linear traverse of the site; and
- e3) There is no legal impediment to constructing the sidewalk on the other side of the street.

- d) In cases where a sidewalk already exists on the opposite side of the street for the entire length of the city block where the subject property is located, and no sidewalk exists along the properties adjacent to the subject property, then a sidewalk is not required to be built along the frontage of the subject property.
- e) For purposes of this section a linear traverse is measured by the most direct walking route from the subject property's parcel boundary which is located closest to the public amenity and the closest access point or entrance to the public amenity.

6-12-2 Other districts.

In all other zoning district classifications sidewalks shall be required for new construction from property line to property line. In the case of corner lots, sidewalks shall be provided along both streets.

Furthermore, if the new construction is intended for a multi-family residential, commercial, industrial, or institutional use, sidewalks shall be required to connect street sidewalks with any entrances intended for public use.

6-12-3 Payment of fee in lieu of construction of sidewalks.

In lieu of requiring construction of the sidewalks, the city manager may allow the applicant to pay the cost of constructing sidewalks, as determined by the City's engineering department, into the eCity sidewalk fund or City general fund, in cases where no sidewalk fund is established, in lieu of requiring construction of the sidewalks when one or more of the following conditions exist:

- ~~a) Construction of sidewalks will result in a hardship~~
- ba) An administrative decision is made determining that ~~C~~construction of sidewalks will not result in useful pedestrian walkways due to one or more of the following:
 - 1) Topographical features will result in impractical design.
 - 2) The lack of adjacent right-of-way for the construction of future sidewalk connections ~~construction~~.
- eb) The sidewalk location is not identified as a short-term recommendation, long-term recommendation or included as part of the comprehensive recommended pedestrian network in the most recently adopted City of Hendersonville Pedestrian Plan.

As an alternative to a payment in lieu of the installation and construction of sidewalks or a portion thereof, the city manager may approve the applicant constructing an equivalent linear footage of sidewalk off site. The specific location for the sidewalk construction shall be at the city manager's discretion. The off-site sidewalk construction shall be completed, inspected and approved prior to a certificate of occupancy being issued.

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

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	Strategy LU-1.2. Enhance areas surrounding infill projects in order to incentivize and leverage the benefits of infill development. [CONSISTENT]
	Strategy LU-3.4. Promote fiscal responsibility for the City with the expansion of infrastructure and services. Action LU-3.4.1. Continue to require adequate public facilities for new development projects. Require developers to offset increased public costs when existing public infrastructure is inadequate [CONSISTENT]
	Strategy LU-3.6. - Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development. [CONSISTENT]
Population & Housing	Goal PH-3. Promote safe and walkable neighborhoods. Action PH-3.1.2. Encourage public space design features that calm traffic and provide space for pedestrian gathering and circulation. Examples include sidewalks, bike lanes, village greens, narrow streets, traffic mini-circles, and curb extensions
	Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	There are no Goals, Strategies, or Actions applicable to this petition.
Cultural & Historic Resources	There are no Goals, Strategies, or Actions applicable to this petition.
Community Facilities	Strategy CF-1.3. Encourage location of community facilities in mixed-use community centers with excellent multimodal access.
	Goal CF-6. Encourage that a park and/or accessible open space are available within a ten-minute * walk of each neighborhood. * A ten-minute walk equates to 0.5 miles
	Goal CF-7. Link parks to neighborhoods in order to increase park utilization and supplement the park system
Water Resources	There are no Goals, Strategies, or Actions applicable to this petition.
Transportation & Circulation	Goal TC-1. Develop a multi-modal transportation system that encourages pedestrian and bicycle usage in order to promote pedestrian safety, reduce vehicle miles travelled and encourage community interaction
	Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community
	Action TC-1.4.1 Incorporate dead-end street sidewalk connection requirements into the Zoning and Subdivision Codes
	Strategy TC-4.2. Ensure that all bus stops are in locations that can be accessed safely and conveniently by pedestrians. Action TC-4.2.1 Make bus routes a priority for sidewalk improvements Action TC-4.2.2 Provide sidewalk connections from bus stops to neighborhoods and destinations.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

The 2030 Comprehensive Plan calls for the City to continue to require adequate public facilities for new developments, to promote safe & walkable neighborhoods, to provide pedestrian connections to services and public facilities, and to develop a multi-modal transportation network.

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

DRAFT [Rationale for Approval]

- The text amendment reduces the trigger for sidewalk construction for new developments to a ten-minute walk (0.5 miles).*
- The text amendment ensures that additional public amenities are considered when determining if sidewalks are required as part of a new development.*
- The text amendment aligns with requirements for sidewalks found in the Subdivision Ordinance .*
- The text amendment ensures that multi-family developments will require sidewalks or a fee-in-lieu of sidewalks.*

DRAFT [Rational for Denial]

- The text amendment limits sidewalk construction by reducing the trigger for new sidewalks to 0.5 mile linear traverse from public amenities.*

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
ARTICLE VI – GENERAL PROVISIONS, SECTION 6-12. ‘SIDEWALKS’ OF THE CITY OF
HENDERSONVILLE ZONING ORDINANCE TO ADDRESS STANDARDS FOR
REQUIRING SIDEWALK CONSTRUCTION OR FEE-IN-LIEU OF SIDEWALKS**

WHEREAS, the City of Hendersonville’s Planning Board reviewed this petition for a zoning text amendment at its regular meeting on June 13, 2022; voting **0-0** to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on July 7th, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article VI – General Provisions, Section 6-12. ‘Sidewalks’ be amended as follows:

Sec. 6-12. Sidewalks.

It is the intent of this section that sidewalks shall be provided in residential zoning districts on one side of every street and in nonresidential districts along both sides of the street.

Sidewalks shall be constructed from property line to property line within the street right-of-way, or, in the alternative, within areas set aside by dedication, or otherwise, in accordance with the city's sidewalks and driveway entrance standards.

Sidewalks shall not be required in specific circumstance as outlined in the City’s Subdivision Ordinance.

6-12-1 Residential districts.

a) Sidewalks shall be required for new construction in areas zoned ~~PRDCZD~~, PMH, R-40, ~~R-40 SU~~, R-20, ~~R-20SU~~, R-15, ~~R-15SU~~, R-10, ~~R-10SU~~, R-6, ~~R-6SU~~, when one of the following conditions is present:

- a1) When the property adjoins property with an existing sidewalk or property associated with an approved development which involves the construction of sidewalks or trails;
- b2) When an existing segment of sidewalk or approved development involving the construction of sidewalks or trails is within 400 feet linear traverse of the property on the same side of the street;
- e3) When the property is within one ~~and one-half~~ miles linear traverse of a public amenity such as a school, hospital, library, police station, city hall, city operations building, bus stop or government building, public park, existing public trail/greenway or proposed public trail/greenway as identified in the City’s adopted long range planning documents (ex. Comprehensive Plan, Trails & Greenways Plan, Bicycle Plan, Pedestrian Plan, etc.).

b) Notwithstanding the foregoing, however, within the city's area of extraterritorial jurisdiction sidewalks shall not be required in the following circumstances:

a) ~~The platting of a minor subdivision as defined in the subdivision ordinance;~~

b1) The construction of a single-family or two-family dwelling on previously platted property.

c) The city manager may require that a sidewalk be built across the street from the site of new construction when the following conditions exist:

- a1) No sidewalk adjoins the site;
- b2) A sidewalk exists on the other side of the street ~~in the vicinity~~ within a 400- foot linear traverse of the site; and
- e3) There is no legal impediment to constructing the sidewalk on the other side of the street.

d) In cases where a sidewalk already exists on the opposite side of the street for the entire length of the city block where the subject property is located, and no sidewalk exists along the ~~properties~~ adjacent to the subject property, then a sidewalk is not required to be built along the frontage of the subject property.

e) For purposes of this section a linear traverse is measured by the most direct walking route from the subject property's parcel boundary which is located closest to the public amenity and the closest access point or entrance to the public amenity.

6-12-2 Other districts.

In all other zoning district classifications sidewalks shall be required for new construction from property line to property line. In the case of corner lots, sidewalks shall be provided along both streets.

Furthermore, if the new construction is intended for a multi-family residential, commercial, industrial, or institutional use, sidewalks shall be required to connect street sidewalks with any entrances intended for public use.

6-12-3 Payment of fee in lieu of construction of sidewalks.

In lieu of requiring construction of the sidewalks, the city manager may allow the applicant to pay the cost of constructing sidewalks, as determined by the City's engineering department, into the City sidewalk fund or City general fund, in cases where no sidewalk fund is established, in lieu of requiring construction of the sidewalks when one or more of the following conditions exist:

- ~~a) Construction of sidewalks will result in a hardship~~
- b~~a~~) An administrative decision is made determining that ~~C~~econstruction of sidewalks will not result in useful pedestrian walkways due to one or more of the following:
 - 1) Topographical features will result in impractical design.
 - 2) The lack of adjacent right-of-way for the construction of future sidewalk connections ~~construction~~.
- e~~b~~) The sidewalk location is not identified as a short-term recommendation, long-term recommendation or included as part of the comprehensive recommended pedestrian network in the most recently adopted City of Hendersonville Pedestrian Plan.

As an alternative to a payment in lieu of the installation and construction of sidewalks or a portion thereof, the city manager may approve the applicant constructing an equivalent linear footage of sidewalk off site. The specific location for the sidewalk construction shall be at the city manager's discretion. The off-site sidewalk construction shall be completed, inspected and approved prior to a certificate of occupancy being issued.

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

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney