



CITY OF HENDERSONVILLE PLANNING BOARD

City Hall- Council Chambers | 160 Sixth Avenue E | Hendersonville, NC 28792
Monday, March 08, 2021 – 4:00 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

A. Approval of Minutes for the meeting of February 8, 2021

4. **OLD BUSINESS**

A. Election of Vice-Chair

5. **NEW BUSINESS**

A. P21-07-CZD Frau Fowler Light Manufacturing – *Matthew Manley, Planning Manager*

B. P21-08-CZD Neal Lechtner Mini-Storage – *Tyler Morrow, Planner II*

C. P21-09-RZO Cascades Annex Rezoning – *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
February 8, 2021**

Members Present: Jim Robertson (Vice-Chair), Neil Brown, Jon Blatt, Tamara Peacock, Candi Guffey, Peter Hanley

Members Absent: Robert Hogan, Hunter Jones

Staff Present: Tyler Morrow, Planner, Lew Holloway, Community Development Director, Matt Manley, Planning Manager and Terri Swann, Administrative Aide

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Hanley moved for the agenda to be approved. The motion was seconded by Mr. Brown and passed unanimously.***
- III Approval of Minutes for the meeting of December 14, 2020. *A correction was made to the minutes by Mr. Robertson. Mr. Hanley moved to approve the Planning Board minutes of the meeting of December 14, 2020 as amended. The motion was seconded by Mr. Brown and passed unanimously.***

Vice-Chair stated Chairman Steve Orr has taken a position with the Town of Saluda and has resigned from the Planning Board.

- IV Adoption of the monthly meeting dates for 2021 to ratify the location change. *Mr. Brown moved to adopt the monthly meeting dates for 2021 with the ratification of the location change. The motion was seconded by Mr. Hanley and passed unanimously.***

- V Conditional Zoning District – Application for a conditional rezoning from Bobby Funk, Green Holdings LLC and North Main Street Properties of Hendersonville, LLC. The applicants are requesting to rezone the subject property, PIN 9569-95-7758, 9569-95-5941 and 9569-96-4013 and located on Duncan Hill Road, from R-20, Low Density Residential District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of an 84-unit multi-family development. (File #P20-48-CZD). Mr. Morrow gave the following background:**

Mr. Morrow gave a project description. This is for a development of seven, 3-story multi-family structures and a community center on approximately 8.66 acres. One parcel currently contains a vacant single-family structure at 710 Duncan Hill Road. The other parcels are vacant.

A neighborhood compatibility meeting was held on January 15th, 2021 concerning this project. Several people representing the public attended the meeting virtually.

Parcels to the north are zoned R-20, Low Density Residential, parcels to the east are zoned C-3, Highway Business and RCT, Residential Commercial Transition. Parcels to the south are R-20 and C-3 and contain a mix of residential and commercial uses.

The subject property is classified as High Intensity Neighborhood on the 2030 Comprehensive Plan's Future Land Use Map. The goal of the High Intensity Neighborhood classification is to encourage low-

maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development.

The development guidelines for PRD's are: eight or more units per gross acre, placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and major thoroughfares, and/or adjacent to neighborhood and Regional Activity Centers, at least 60% open space in new residential developments greater than three acres, architectural guidelines to encourage compatibility between different land uses and encouragement of walkable neighborhood design.

This project is tied to low-income tax credit and it will have workforce housing restrictions.

Photos were shown of the site as it is today.

The Tree Board reviewed this application and had recommendations. Those recommendations are to require the developer to save the three large trees along Duncan Hill Road that are adjacent to the brick residential home; and require the developer to replace each tree over 12 inches in diameter that is removed from the property; and that replacement trees be the same or their equivalent to existing trees in accordance with Article XV of the Zoning Ordinance. In addition, all replacement Broadleaf Canopy Trees shall be 2 ½ inch diameter at breast height (DBH) and all Ornamental Trees shall be 1 ½ inch diameter at breast height. These conditions are not in the motion and would need to be included in the motion.

Staff did receive a new site plan, but the new site plan did not change any major components.

The parking requirements are based on the number of bedrooms. The required number of parking spaces is 137. The developer is providing 147 spaces. It was determined that a Traffic Impact Analysis was not necessary for this project. The counts were displayed in the staff report.

The development would have two points of ingress and egress, one off Signal Hill Road and one off Duncan Hill Road. It was discussed that it would be better for the development circulation if the project aligned the Duncan Hill entrance/exit with Baldwin Hill Avenue. This will be included as a staff recommended condition.

Since land disturbance for this project exceeds one acre, a storm water management system is required. The stormwater plan will be reviewed by the City's Engineering Department.

Sidewalks will be provided on the project frontages on Duncan Hill Road and Signal Hill Road. This area is currently not served by adequate pedestrian infrastructure.

The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA. No buffers will be required by the ordinance since this project is residential.

PRD's allow 10 units per acre. The developer is proposing 9.6 units per acre. The maximum building footprint is 20%. They are proposing 10.8%. The minimum open space is 60% and they are proposing 66.2%.

Staff recommended rezoning conditions are included in the motion. They can be included or removed at Council's discretion and upon the agreement by parties involved. The staff recommended condition is for the Duncan Hill Road entrance/exit be realigned to match Baldwin Hill Avenue. This was made a condition due to the possible NCDOT road projects in the area.

Mr. Morrow explained the proposal of a peanutabout and a roundabout and that this may be a long-term improvement.

Vice-Chair asked if there were any questions for staff.

Mr. Brown asked about project P20-6-CZD and stated these two projects are almost identical and do not have a lot of differences. Mr. Morrow stated both applied for low-income tax credits, but the first project did not score high enough to move forward with the project.

Ms. Peacock stated if there are plans to move the road over it, does it make sense to pour the sidewalks? What is the time frame for the NCDOT work? Mr. Morrow stated there is no time frame yet.

Lew Holloway, Community Development Director stated that project with the NCDOT has not hit the 10-year plan yet and it could be at least a decade before it starts.

Ms. Peacock asked if there will be another site plan review. Mr. Holloway stated yes, there will be a final site plan review. Ms. Peacock had concerns about parking and about how the buildings line up, she felt it would be more aesthetically pleasing to stagger the buildings.

Mr. Blatt stated this project will not be reviewed again. Mr. Morrow stated the Planning Board and City Council see the preliminary plans. Once approved by City Council they will be required to submit final site plans that would not have any major changes.

Ms. Guffey stated Signal Hill Road has a blind hill in both directions, has that been addressed? Mr. Morrow stated city staff does not review curb cuts. NCDOT would review those and they would take into consideration the safety from the blind spots and the hill.

Bobby Funk, Development Coordinator with Mills Construction attended the meeting virtually. He stated this project is called Duncan Terrace and is an 84-unit multi-family development. They are asking for a conditional rezoning to PRD CZD, Planned Residential Development Conditional Zoning District. They do meet all the standards from the Zoning Ordinance, and they have made adjustments from the community comments they have received. He feels this project will integrate seamlessly into the neighborhood. Fred Mills is the owner of the company and he has 50 years' experience developing housing projects. The closest one is in Arden, NC, which opened in 2019. They have several other developments in North Carolina currently under construction. They will be partnering with Western North Carolina Housing Partnership to develop these apartments. They have worked with Joy Strassel, Executive Director and will work with her on this project.

Mr. Funk talked about the standards for rezoning and the Comp Plan consistency. This property is currently in the ETJ and they do plan to annex the property. To the north of the property are commercial uses and to the southeast is a church. There are some single-family dwellings around the property and some undeveloped land around it as well. There are no wetlands on the property and no streams.

The 84 units will be a mix of 1,2- and 3-bedroom apartments. There will be a single-story community center on the property. This development will be income restrictive.

Mr. Funk showed examples of the project. They will use a combination of brick and vinyl. They will have an on-site manager. The site plan shows 7 residential buildings, a play area, gazebo and a picnic area.

They will be replacing some trees. They meet all the PRD setback requirements and are exceeding the parking requirements. They have had conversations with staff and NCDOT concerning the traffic. He explained the closest sewer service and the construction of a pump station for the project.

They will have a compliant stormwater plan which will be approved by the City's Engineering Department. They will be conducting an environmental review of the property.

They will have an in-house property management company with a full staff that will work 9:00 am to 5:00 pm. They will have credit and background checks for all residents. Maintenance will be on-call 24/7. They will have lighting and security cameras.

They are consistent with the 2030 Comprehensive Plan and will be located in a high-intensity neighborhood. It does meet the public interest and he feels this project is compatible with the surrounding area. They are providing housing that is an inadequate supply. It will be convenient to I-26 and they believe they have adequate facilities to serve this project.

They had an independent traffic count done and they do not anticipate more than 78 trips morning and evening during peak hours. They are waiting on feedback from NCDOT on any potential issues and they have talked with staff and anticipated the road improvements. They believe they can accommodate the NCDOT improvements and they can realign the project with Baldwin Hill Road.

Vice-Chair asked if there were any questions.

Mr. Brown asked about the public transient service. Mr. Holloway stated public transient is managed by the county and he is not sure what the service is in that area, but they do serve the 64 corridor.

Ms. Peacock asked about the management of trash and if the pump station would be visible. Mr. Funk stated the pump station would be underground and would not be visible. They will have two trash areas, one at the top corner and one at the bottom corner. The residents will have to take their trash to those areas.

Vice-Chair asked about the low-income housing scores and if they would have a workforce daycare. Mr. Funk stated the scores are broadly defined from the states perspective and he believes they will achieve the maximum score. This is a good site for multi-family.

Vice-Chair stated they would now take any public comments from the zoom call.

Ken Fitch, 1046 Patton Street wanted to commend the applicants for an excellent presentation. Of concern was the ingress and egress issues and the speed through both thoroughfares and the effects to the public. If NCDOT reroutes whose responsibility is it to replace the existing wooded landscape if altered. Landscaping is an important issue. There is an issue with sidewalks with multiple properties for sale and connectivity is desirable.

When no one else wanted to comment, Vice-Chair closed the public comment time.

Mr. Holloway stated if the road was rerouted and infringed on the stormwater area, NCDOT would compensate.

Mr. Blatt asked if the applicant is willing to realign the project with Baldwin Hill Road. Mr. Funk stated they are willing to realign. He believes moving the access to Baldwin Hill it is an achievable goal.

Mr. Blatt asked about the Tree Board recommendation. Mr. Funk stated he has talked with the architect and three trees are a priority to retain near the house. They would like to explore this further before the City Council meeting. Mr. Manley stated the landscaping plan does require a certain number of trees and they may exceed this number. Those trees would not be in addition to what is required.

Mr. Brown asked about the Dark Sky Initiative and if the lighting will conform to it. Mr. Morrow stated they could make that a condition in the motion. Mr. Funk stated he is aware of the Dark Sky Initiative and he wants to be sensitive to achieve a safe environment, but he would like to have more conservation about this before he makes that commitment. Mr. Manley stated the Planning Board can move forward with the conditions and staff and the developer will work together on these conditions before City Council.

Mr. Hanley moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from R-20, Low Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: it is in the public's interest and fills a great need in the county. He would also add the conditions: 1. Consideration of moving the access from Duncan Hill Road to Baldwin Hill Road, 2. Consideration of the Dark Sky Initiative. Mr. Blatt stated he would second the motion as long as it is clear that the Dark Sky Initiative is not a mandate. Mr. Blatt seconded the motion which passed unanimously.

VI Conditional Zoning District – Application for a conditional rezoning from Henderson County Hospital Corporation and Henderson County. The applicants are requesting to rezone the subject property, PIN 9569-50-9133, 9569-50-8164, and 9569-50-7165 located on N. Justice Street, Brown Street and 9th Avenue, from MIC, Medical, Institutional, Cultural District to PCD CZD, Planned Commercial Development Conditional Zoning District for the removal of the existing EMS building and improvements to the hospital entrance and parking. (File #P21-03-CZD). Mr. Manley gave the following background:

The City is in receipt of a Conditional Rezoning application from Pardee Hospital for a multi-faceted project centered around enhanced access/circulation and additional parking. More specifically, the project involves the removal of the former EMS building, the partial closure of the Brown Street Right-of-Way, improvements to the hospital's main entrance, addition of new surface parking off of N. Justice Street and 9th Avenue West (with a total of 111 new spaces), and enhancements for vehicular and pedestrian circulation between the added parking lot and the main entrance.

This project triggered the Conditional Zoning process due to the incorporation of this project with the existing Pardee Hospital Campus. The Pardee Hospital Campus is zoned PCD, Planned Commercial Development and the original development of the hospital was approved with a Special Use Permit. Given the City of Hendersonville's recent incorporation of Conditional Zoning, all development or redevelopment of this type, which involves the consolidation of land to a Planned Commercial Development and/or Special Use project, triggers the Conditional Zoning process.

The project includes the demolition of the former EMS building which will significantly enhance the main entrance, providing increased visibility and functionality of pedestrian and vehicular circulation.

The project also includes the addition of 111 parking spaces on a 3-parcel site that is currently a wooded, vacant property at the corner of 9th Avenue and N. Justice Street. In an effort to minimize the aesthetic and environmental impact of the project, the proposed landscape plan calls for preserving some existing trees and providing a significant number of new plantings.

A Neighborhood Compatibility meeting was held January 19, 2021. A range of topics were covered at this meeting.

Factors included prior to adopting or disapproving an amendment to the City's official zoning map are, Comprehensive plan consistency, compatibility with surrounding uses, changed conditions, public interest, public facilities and the effect on the natural environment.

Mr. Manley discussed the Urban Institutional classification and the Downtown support classification. The City is moving away from surface parking and references that in the Downtown Support classification.

The Natural Resources chapter focuses on green infrastructure and the reduction of flooding through limitation of impervious surfaces and the preservation of trees.

The Tree Board has weighed in on this project. The Tree Board does support the staff's recommendation of preserving the trees and to preserve all trees over 30 inches in diameter at breast height (DBH) in accordance with Article XV Section 15-4 (c) of the Zoning Ordinance.

The parcels proposed to be part of the development project are directly abutted by PCD, Planned Commercial Development to the south (Pardee Hospital Campus). To the north the parcels across the street and catty-corner are residential uses and zoned R-6 and R-15. These parcels serve as a transition from commercial to residential. Properties to the east and west are zoned MIC, Medical, Institutional, Cultural.

No buildings are proposed for the site. The project area on the site plan is 2.9 acres. Predevelopment impervious surface is 1.07 acres (37%), post-development impervious surface is 1.65 acres (57%). Predevelopment open space is 1.83 acres (63%) and post-development open space is 1.25 acres (43%).

The proposed site use as a parking lot is a permitted use in the PCD zoning district. This project does meet the requirements for a PCD concerning vehicular access and setback requirements for the district. The proposed parking spaces and loading zones meets or exceeds the requirements. Additional parking is not required, it is a desire to add additional parking and improve the entrance.

Landscaping is required and the proposed Landscape Plan shows the retention of existing trees along the perimeter of the project area with the provision of additional landscaping which exceeds the minimum zoning requirements. Preservation of existing trees is recommended.

A Traffic Impact Analysis was not required for this project.

Photos of the site were shown.

Staff came up with conditions after the feedback from the public. There are no sidewalks along the project area. Sidewalks are required within the PCD. Due to topography of the site and the drop in the grade down to N. Justice Street and 9th Avenue, the provision of sidewalks along the project area would result in the loss of existing trees along N. Justice Street and possibly along 9th Avenue due to the impact on root zones of existing trees. Staff recommends a fee in lieu of the sidewalks. Staff recommends the applicant provide mid-block crossings to ensure pedestrian connectivity. Staff recommends utilizing sidewalk fees to construct sidewalks and retaining walls (with tree preservation measures) in partnership with the City at some point in the future.

Stormwater will be managed and feed into the City's existing infrastructure. The plans are being reviewed by the engineering staff.

There are two white oak trees that were discussed with the developer to preserve. The developer will make every effort to save the trees they can. The white oaks are slated to be removed as the roots may become damaged.

Mr. Manley discussed a bio-swell and stated this is not a requirement. Staff conditions are the preservation of existing trees and an appropriate replacement for the trees that are lost. The Dark Sky Initiative could also be included.

Vice-Chair asked if there were any questions for staff.

Mr. Blatt asked why stormwater run-off would not be retained on-site. Mr. Manley stated the storm tech facility is underground. It retains water and meets the code. It does not meet the Comp Plan concerning Natural and Environmental Resources.

Mr. Hanley stated this is a flat asphalt parking lot, why not do a multi-level? Mr. Manley stated he believes cost is the answer to that, but the developer can clarify that.

Vice-Chair asked about including a retaining wall as a condition. Mr. Holloway stated the Board can recommend it to City Council, but the developer and City Council would have to agree on it.

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

Jared DeRidder, WGLA stated they have filed a separate petition to close Brown Street. Henderson County owns property on both sides of Brown Street and only a portion of it will be closed. He previously stated in the neighborhood meeting that he witnessed a fire truck get stuck on Brown Street. This is not a safe street and it does not meet any NCDOT requirements.

They will be providing parking closer to Pardee. The question of why not vertical parking is because of the cost. The cost per space in the deck is very high along with the routine maintenance of a deck. This parking lot will provide overflow parking from the deck.

There are pros and cons to the sidewalk along the streets. There is no sidewalk from N. Justice to the high school. They want to be good stewards and save as many trees as they can, and they feel it is best to pay a fee in lieu of the sidewalks. They feel like there are adequate pedestrian facilities and creating another sidewalk on 9th Avenue could cause potential problems with the football players going to practice and throwing balls across the street. A retaining wall is also a very expensive solution.

Vice-Chair asked if there were any question for the developer.

Mr. Brown stated there is nothing to justify more surface parking and he feels like this is just creating another heat island. He has been to Pardee plenty of times and there is always enough parking in the deck. Mr. DeRidder stated there is maintenance concerns for the deck. They have to clear the deck to be able to do the maintenance on it. This will be overflow parking for the staff also. Mr. Brown stated the deck could be maintained half a level at a time. This is just creating more heat and asphalt.

Walter Carpenter, Attorney for Pardee Hospital Corporation stated there a difficulties with the way the deck was built. There are structural issues that need to be dealt with from the bottom to the top. They will have to close the whole thing to make some of the repairs. Mr. Brown asked if they have checked with any surrounding churches or other properties about using their parking lots and having a shuttle. Mr. Carpenter stated they hear a lot of complaints about the parking as it is. To move the parking further away would only create more complaints.

Vice-Chair asked how many parking spaces this will add. Mr. Carpenter stated they plan to add 111 spaces. They currently have 361 spaces and after this parking lot is complete, they will have a total of 472 spaces if approved.

Mr. Blatt stated no one wants to walk and a shuttle would not be feasible.

Vice-Chair asked to open up the public comment.

Ken Fitch, 1046 Patton Street stated the loss of the canopy trees is a huge issue. The Tree Board recommendations deserve some consideration. This will have a severe impact as it is replacing pervious surface with impervious surface. He feels the fee in lieu of sidewalks is appropriate as a crosswalk in the middle of 9th Avenue could prove to be very dangerous. Will there be a continued use of the Brown Street sidewalk from Fleming Street? There are issues with the City's aging stormwater system, and he feels the bio-swell could be a good solution. He feels this is not a benefit to the area.

Mr. DeRidder stated part of the Brown Street sidewalk will remain. The existing stormwater system can handle the extra capacity. Mr. DeRidder explained there will be a covered area for pedestrian access to the deck. He also stated the sub-surface system containers underground will hold the water back and let it drain out slowly. This is used throughout the City. As far as putting in a swell, he is not sure where you would put a flat swell in a deep slope. The swell is not a requirement and is not feasible.

Mr. DeRidder explained frequency of storms and releasing less water into the storm tanks by having a large gravel bed in place to absorb some of the water much like a septic system would. The stormwater system filters into the ground and does go into a detention area.

Ms. Guffey stated there are 222 beds and they will be adding 111 parking spaces and with 351 current spaces and adding another 111 spaces she feels this is a permanent solution to a temporary need. Mr. Carpenter stated even with the parking garage, they get regular complaints about not having enough parking. Ms. Guffey stated with triple the number of spaces there is still a shortage. Mr. Carpenter stated yes.

Mr. DeRidder stated as far as the Dark Sky Initiative goes concerning the lighting, he did not see that requirement in the ordinance. He is committed to having lighting and it will be shielded and meet the ordinance. He did not see the Dark Sky definition in the ordinance. Mr. Manley stated it may not be in the ordinance, but it can be a condition to try and reduce light pollution. Mr. DeRidder stated they would have to study this more. Mr. Manley stated the main issue is that the lights are capped. They can find something that works before the City Council meeting.

Mr. Blatt asked if there were any Dark Sky parking lots in town. Mr. Brown stated no. Mr. Blatt stated this is not feasible for larger parking lots. Mr. Manley stated staff would study this as it seems to be a desire of the Planning Board. They are sensitive to the impact of development. Staff can do a presentation next month.

Mr. Blatt asked about the 35" trees that were requested to be saved. Mr. DeRidder stated the internal trees are 36" and they will try to save them to the greatest extent possible. And that is why they feel a fee in lieu of the sidewalk is better than building the sidewalk. Mr. Carpenter stated the trees won't live if they build the sidewalk. Mr. DeRidder stated building a retaining wall will also kill trees. Mr. Blatt stated it is so steep he does not feel like they can get a sidewalk in there.

Ms. Guffey asked about the sidewalk on the left side of 9th Avenue. Mr. Holloway stated there is some question of the right-of-way there. He suggested proceeding with the sidewalk requirement and the applicant can ask for a fee in lieu of the sidewalk.

Mr. Manley stated they can maintain the condition for tree preservation. He also discussed the alternative route that was discussed about the sidewalk on top of the hill and the grade. There would also be ADA issues and cost issues for the construction up that hill. It would be very challenging.

Mr. Brown moved the City Council not adopt an ordinance rezoning the subject property for the following reasons: it is not compatible with the surrounding area such as the neighborhood to the north, it is not in the public interest to lay down another patch of asphalt and the effect it will have on the natural environment converting the three parcels into an impervious surface. Ms. Guffey seconded the motion which failed with a tie vote of 3 to 3.

After a three-minute recess, Mr. Holloway got clarification from the City Attorney that a tie vote did fail the motion. Another Board member can make another motion and the motion can be to not recommend approval or denial of the application, but should City Council choose to approve it, the inclusion of the conditions can be recommended.

Ms. Peacock made a motion to recommend neither approval nor denial of the application but should City Council vote to approve the application the three conditions are recommended. Those are 1. The Tree Board recommendations be considered for the preservation or replacement of the trees, 2. Sidewalks be installed per the zoning code requirements and 3. The Dark Sky Initiative be considered. Mr. Blatt seconded the motion which passed unanimously.

VII Other Business.

Election of Chair and Vice-Chair. Mr. Hanley nominated Mr. Robertson to serve as Chair. Mr. Brown seconded the nomination and the vote passed unanimously. The election of Vice-Chair was put on hold until the next meeting.

Introductions were made for the new members.

VIII Adjournment - The meeting was adjourned at 6:37 pm.



CITY OF HENDERSONVILLE PLANNING BOARD AGENDA ITEM SUMMARY

SUBMITTER:	Matthew Manley	MEETING DATE: March 8 th , 2021
AGENDA SECTION:	Board Action	DEPARTMENT: Community Development
TITLE OF ITEM, Presenter Name, Title:	P21-07-CZD Frau Fowler Light Manufacturing – <i>Matthew Manley, Planning Manager</i>	

SUGGESTED MOTION(S):

SUGGESTED MOTIONS – P21-07-CZD: Frau Fowler Light Manufacturing

1. For Recommending Approval:

I move the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-3 (Highway Business District) to C-2 CZD (Secondary Business Conditional Zoning District), with the following conditions:

[PLEASE REFERENCE THE LIST OF USES & CONDITIONS WITH AMENDMENTS AS NECESSARY]

The motion is based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

2. **For Recommending Denial:**

I move the Planning Board recommend City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

Zoning Ordinance Standards:

Comprehensive Plan consistency: whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and amendments thereto.

Compatibility with surrounding uses: whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Changed conditions: whether and the extent to which there are changed conditions, trends or facts that require an amendment.

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.

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.

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.

SUMMARY:

The City is in receipt of a Conditional Rezoning application from Perry Fields, One Thousand and Fifteen, LLC. for the construction of a new building at 1015 Berkeley Road (PIN # 9569487639). The project involves the construction of a 10,660 Sq Ft building and associated parking, landscaping, septic area and open space.

This project triggered the Conditional Zoning process due to a requested change of zoning from C-3 in order to accommodate a permitted use in the C-2 CZD - Light Manufacturing (dental products). The application also includes the additional stated uses of *Wholesale Business, Repair Services* and *Construction Trades*. While the existing C-3 zoning offers a wide range of commercial uses, including the additional uses stated in the application, it does not permit *Light Manufacturing*. Alternatively, the C-2 CZD District permits many of the same uses as the C-3 by right as well as *Light Manufacturing*.

The intent of the C-2 / C-2 CZD Zoning District is as follows:

This zoning district classification is designed primarily to accommodate a) existing developments of mixed commercial and light industrial uses, and b) certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.

Summary Analysis - The project meets all of the basic requirements of the Zoning Ordinance. Setbacks, minimum parking requirements, landscaping, etc. are in accordance with the standards of the Zoning Code. The current site, formerly the home of Around the Corner Ministries, is vacant. The proposed project would be classified as infill development.

PROJECT/PETITION NUMBER:	P21-07-CZD
PETITIONER NAME:	Perry Fields, One Thousand and Fifteen, LLC

ATTACHMENTS:

Planning Board Staff Report

List of Uses and Conditions

Draft City Council Ordinance

Community Development Staff Report

TO: Planning Board

FROM: Community Development Department - Planning Division

RE: Rezoning – from C-3 (Highway Business Zoning) District to C-2 CZC (Secondary Business Conditional Zoning) District for the Frau Fowler Building by Perry Fields, One Thousand and Fifteen, LLC.

FILE #: P21-07-CZD

DATE: March 8, 2021

PROJECT DESCRIPTION

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The intent of the C-2 / C-2 CZD Zoning District is as follows:

This zoning district classification is designed primarily to accommodate a) existing developments of mixed commercial and light industrial uses, and b) certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.

Summary Analysis - The project meets all of the basic requirements of the Zoning Ordinance. Setbacks, minimum parking requirements, landscaping, etc. are in accordance with the standards of the Zoning Code. The current site, formerly the home of Around the Corner Ministries, is vacant. The proposed project would be classified as infill development.

PROCESS GUIDELINES

In reviewing a rezoning request, staff, the Planning Board and City Council are tasked with reviewing the project to determine how it fits into our community based on our guiding planning documents. The specific categories of review are identified in Section 11-4 of the *City's Zoning Ordinance*, which highlights that the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map. Additionally, the **2030 Comprehensive Plan** provides guidance on the review of zoning changes.

Zoning Code Section 11-4:

1. **Comprehensive Plan consistency.**
Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.**
Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **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.
5. **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.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment

Figure 8.3a: Zone Change Review Criteria

In addition to determining whether a zone change application demonstrates a clear public purpose, the City should consider the criteria listed below. These criteria help to ensure that zone changes will promote the health, safety and general welfare of the public.

1. Consistency with the Goal, Recommended Land Uses, and Development Guidelines of the applicable Future Land Use Plan category
2. Consistency with all other applicable Goals of the Comprehensive Plan
3. Compatibility between the requested use or zoning district and the prevailing uses in the surrounding area
4. Whether the requested use or zoning district benefits the surrounding neighborhood and general public or a small area and only one or a few landowners
5. Whether the design of the requested use (or available design standards and guidelines associated with the requested zoning district) mitigate potential conflicts between uses
6. Potential impacts on environmentally sensitive areas (if applicable)
7. Potential impacts on agricultural resources (if applicable)
8. Potential impacts on certified historical properties and historic districts (if applicable)
9. Potential impacts on area access and traffic patterns
10. Adequacy of public services and facilities for water supply, wastewater treatment, fire and police protection, and transportation to support the requested use or zoning district
11. Adequacy of public parks, recreation and educational facilities to support the requested use or zoning district

REZONING REQUEST CONTEXT ANALYSIS

COMPREHENSIVE PLAN CONSISTENCY

LAND USE & DEVELOPMENT (CHAPTER 8):

The subject property is located in a Priority Infill Area and is classified as **Neighborhood Activity Center** on the *2030 Comprehensive Plan's Future Land Use Map (FLUM)*. The project site is just north of an identified Activity Node. A site-specific section of the *FLUM* (Appendix F) is included in this staff report.

The *FLUM* designates all adjacent parcels as **Neighborhood Activity Center**. Across Berkeley Rd/Balfour Rd to the east is designated as **Business Center**.

The goal of the **Neighborhood Activity Center** classification is outlined below with specific relevant sections highlighted:

- **Priority Infill Areas (beige):** Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties

Strategy LU-8.4.

Development guidelines:

- Minimal parking in front of buildings (no more than one to two rows) along thoroughfares, with remainder of parking located to the side or rear
- Encouragement of buildings that are designed at a human scale, maximizing window coverage on ground floors and utilizing façade articulation
- Provision of pedestrian connections to parking and other buildings/properties

Activity Nodes:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet from right-of-way)
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods
- Inclusion of traffic calming improvements (described under Strategy TC-1.4 in Chapter 7) with redevelopment projects

Goal LU-8.

Neighborhood Activity Center:

Concentrate retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods.

Strategy LU-8.1.

Locations:

- Major intersections along existing local commercial corridors (US-25 and US-176)
- Emerging neighborhood activity center at US-64 and Howard Gap Road

Strategy LU-8.2.

Primary recommended land uses:

- Neighborhood retail sales and services

Strategy LU-8.3.

Secondary recommended land uses:

- Offices
- Multi-family residential
- Live-work units
- Public and institutional uses
- Pedestrian amenities (plazas, outdoor seating, etc.)
- Mixed uses



Example of a mixed-use Neighborhood Activity Center

NATURAL & ENVIRONMENTAL RESOURCES (CHAPTER 3):

Chapter 3 of the City’s **2030 Comprehensive Plan** is also relevant to this proposal and the impact of this type of development. The **Natural Resources** chapter focuses on several key goals and objectives including the use of green infrastructure, the reduction of flooding through limitation of impervious surfaces (in the vicinity of floodplains) and the preservation of trees. Below are some key takeaway from this chapter as it relates to the Pardee project:

Goal NR-2.
Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements.

Strategy NR-2.3.
Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville’s identity. Trees provide several additional community benefits, as described in Figure 3.3c.

preservation by providing existing tree preservation credit toward landscaping requirements.

Action NR-2.3.2
 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects.

Action NR-2.3.1
 Continue to encourage tree

Action NR-2.3.3
 Adopt ANSI A300 of the Accredited Standards Committee (ASC) of the American National Standards Institute for the maintenance and pruning of trees on City controlled property and rights-of-way.

Action NR-2.3.4
 Promote right tree in the right place standards when planting new trees.

Action NR-2.3.5
 Encourage larger developments to place structures and roadways in areas where land has been disturbed and trees have already been removed.

Goal NR-3.
Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.

Figure 3.3c: Community Benefits of Trees

Cooling/Reduced Energy Costs
 The shading and cooling effects of trees can provide comfort in urban areas and reduce energy costs. The net cooling effect of a young, healthy tree is equivalent to room-size air conditioners operating 20 hours a day. Furthermore, trees placed properly around buildings can reduce air-conditioning needs by 30 percent and can save 20 to 50 percent in heating costs (source: U.S. Department of Agriculture).

Increased property value
 Healthy, mature trees add an average of 10 percent to a property’s value (source: USDA Forest Service).

Improved air quality
 One acre of forest absorbs six tons of carbon dioxide and produces four tons of oxygen, which is enough to meet the annual needs of 18 people (source: U.S. Department of Agriculture).

Stress relief
 According to research at Texas A&M University, visual exposure to settings with trees has produced significant recovery from stress within five minutes.

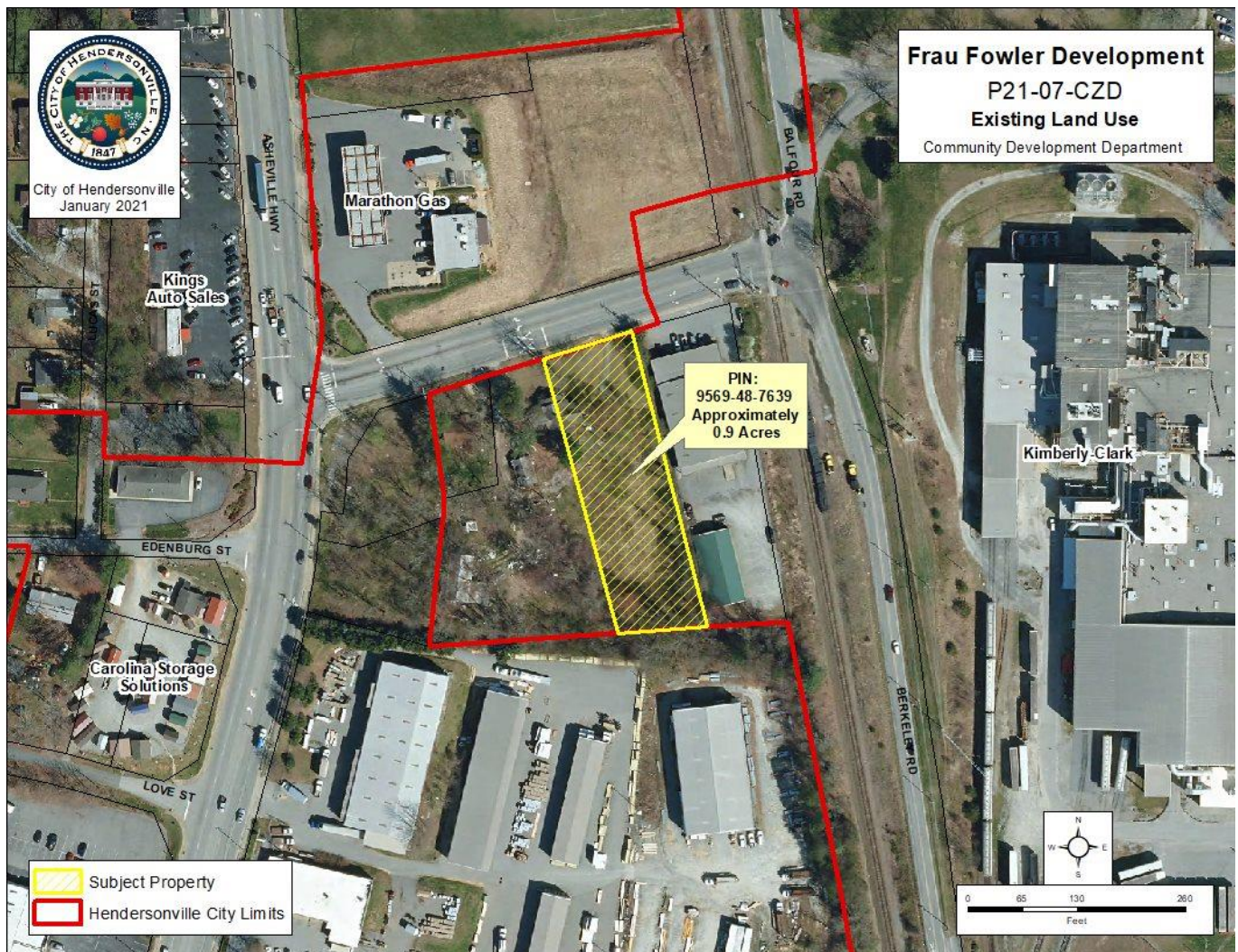
Improved water quality
 Tree leaves and roots help to reduce stormwater runoff and erosion through rainwater interception, absorption and soil stabilization. Wooded areas help to prevent the transport of sediment and chemicals into streams (source: USDA Forest Service).

Strategy NR-2.4.
Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City’s green infrastructure network. A continuously linked system of green infrastructure provides continuity in ecological systems, increased opportunities for stormwater management, and provides a space in which to construct pedestrian paths that link together neighborhoods and parks. Future open space areas should be viewed as an extension or component of the City’s green infrastructure network, as illustrated in Map 3.3a.

Action NR-2.4.1
 Encourage development and redevelopment projects to provide open space areas that connect to planned green infrastructure areas.

SURROUNDING LAND USE – COMPATIBILITY & ZONING

There is 1 parcel associated with this proposed development. The subject parcel is vacant as are all of the adjacent parcels to the west all the way to Asheville Hwy. The adjacent parcel to the east is the home of a heating & air company. Across the street is a vacant lot with Marathon Gas to the northwest sitting at a higher elevation facing Asheville Hwy. This site is in close proximity to large scale operation of Kimberly-Clark (non-woven fabric products). While Kimberly-Clark is zoned I-1 (Industrial), the zoning throughout the rest of the immediate area is C-3 (Highway Business) Surrounding land uses and zoning districts are shown on the “Existing Land Use Map” (below) and “Current Zoning Map” (Appendix E).



SITE PLAN REVIEW

(TECHNICAL INPUT / ZONING CODE)

The site plan is included as Appendix A in this report. The Development Review Committee (DRC) met on Wednesday February 17, 2021 to discuss this project. Comments received from that meeting are incorporated in the review below. Additionally, Planning Staff performed additional review of this proposal between the DRC meeting and the writing of this staff report.

Buildings

- 10,660 Sq Ft Building

Lot Size

- 0.9 Acres

Project Summary

- Lot Currently Vacant
- Proposed construction of new building
- Proposed Light Manufacturing/Wholesale Business use

Site Impact

- Pre-development – Site previously developed with a single-family home but lot was largely open space.
- Post-development – 27% of the site will remain open space.

Zoning District Standards – C-2 (CZD) Secondary Business | Section 5-7

- Development Standards for C-2 CZD includes the following categories:
 - Uses
 - The proposed uses are Light Manufacturing, Wholesale Business, Construction Trades and Repair Services, all of which are uses permitted by right within C-2 CZD.
 - While Light Manufacturing is permitted as a Conditional Use in the C-2, it is permitted by right under the CZD standards.
 - Construction Trades are permitted but outdoor storage must be screened from view from the public right-of-way.
 - Vehicular Access
 - Berkley Rd from Asheville Hwy to Balfour Rd is classified as a Minor Thoroughfare.
 - Setbacks
 - For commercial uses, the minimum setbacks in the C-2 CZD are as follows:
 - Front: 15'
 - Side: 0' or 5'
 - Side yards are not required, but when provided must be a minimum of five feet. Common wall construction is permitted

in the C-2 Zoning District Classification

- Rear: 0' or 10' adjacent to residential
- Proposed development meets or exceeds all of the required setbacks
- Parking, Driveways & Loading:
 - Section 6-5 of the Zoning Code applies.
 - Proposed parking spaces and loading zones meets or exceeds requirements.
- Buffering & Landscaping
 - Landscaping is required under Section 15 of the Zoning Code.
 - The proposed Landscape Plan/Tree Survey (Appendix B) shows the retention of 8 existing trees cluster around the northeast and southeast corners of the project area. The preservation of these trees is requested to be used as credits towards offsetting a portion of the landscaping requirements.
 - Preservation of existing trees is recommended under Section 15-4 (a).
 - Additional specifics on Tree Preservation found below.
- Building Height
 - The C-2 District allows for heights up to 48'
 - The proposed structure is 20' in height
- Circulation & Access
 - Vehicular:
 - Driveway permits for Berkeley Rd will be reviewed and approved by NCDOT at the point of Final Site Plan.
 - The proposal includes 2 access points from Berkeley Rd. The western most curb cut will provide access to the parking area. The eastern most curb cut will provide entrance/exit for parking as well as access to the drive aisle extending to the rear of the building.
 - There is a loading zone at the rear of the building as well as ample space for maneuvering tractor-trailers used for shipping goods.
 - Pedestrian:
 - Sidewalks will be provided along Berkeley Rd.
 - Internal sidewalks will extend along the front of the building along the parking area.
- Density – N/A

Parking Requirements – Section 6-5

- The uses for this project (Light Manufacturing/Wholesale Business) require 1 parking space per every two employees that are present during any single shift at maximum employment.
- It is predicted that maximum employment for any one shift will be 16 employees.
- 6 - 90° standard parking spaces and 2 – 90° ADA parking spaces are provided.

Sidewalks - Section 6-12

- See “Circulation & Access”

Common Open Space – Section 6-16

- The Zoning Code requires a minimum of 10% Open Space
- The proposal provides 27% Open Space

Traffic Impact Analysis - Section 6-18

- A Traffic Impact Analysis (TIA) was not required for this project.

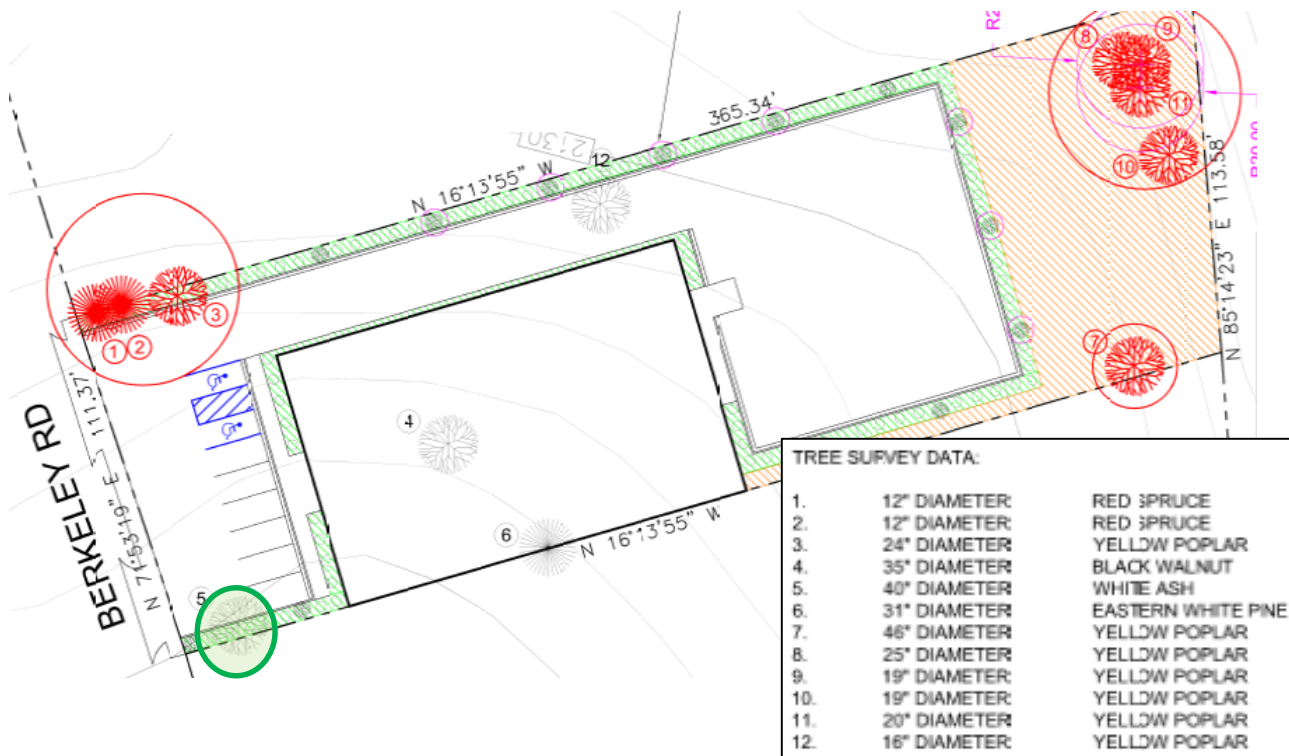
Project Phasing - Section 7-5

- The project does not appear to be phased.

Tree Survey & Buffering - Section 15

- The Tree Survey/Landscaping Plan (Appendix B) illustrates 13 existing trees in the project area.
- The Site Plan shows that 8 trees will be preserved.
- Efforts should be made to preserve Tree #5 as well (40” dbh Ash – circled green)

Landscape Plan / Tree Survey (excerpt)



Stormwater Management

- The disturbed area is > 1 Acre. Therefore, no stormwater management is required.

PUBLIC INPUT

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY

Representatives from Frau Fowler and their development team hosted a Neighborhood Compatibility Meeting on February 5, 2021. Three Planning staff members participated in-person as well as one staff member attended virtually. One member of the public participated virtually. Below is a summary of the items discussed at the meeting. The full minutes from that neighborhood compatibility meeting are included as Appendix H in this staff report.

The following questions or comments were brought forth by the public. The applicants' responses are shown in red:

- What does the C-2 Zoning entail? **A wide variety of commercial uses as well as Light Manufacturing.**
- What is the traffic impact and what is the use? **Deliveries will be out of the back of the building. The use (manufacturing dental hygiene products) will generate less traffic than a typical highway business.**
- Will there be a driveway to the rear of the building? **Yes, along the left side of the building.**
- Will there be sufficient parking? **Yes.**

STAFF REPORT RECOMMENDATIONS

STAFF REVIEW

In this section, staff will include recommended conditions for approval alongside references to supporting comprehensive plan language, ordinance standards and/or public input. Planning Board may recommend approval of the rezoning request to City Council with or without conditions or recommend denial of the rezoning request.

Staff Analysis:

Use -

- The **2030 Comprehensive Plan** outlines only a few goals and objectives that are relevant to this proposed Site Plan.
 - The *Future Land Use Map* identifies this area as **Neighborhood Activity Center**. As outlined previously in this report, the *Land Use and Development Element* characterizes the **Neighborhood Activity Center** category as “concentrated retail in dense, walkable, mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville’s neighborhoods.”
 - The **Neighborhood Activity Center** category speaks to having minimal front parking (no more than 1 or 2 rows).
 - If located in an *Activity Node* the language is stronger related to parking, suggesting that all parking be moved to the side or rear of buildings.
 - The *Activity Node* recommendations also speak to shifting buildings up close to the road.
- While the **Comprehensive Plan** speaks to the need to limit the impact of parking and makes an effort to create a more walkable environment, the subject property is not located in an *Activity Node* (though it is less than ½ mile from a designated *Activity Node*).

- The **Zoning Code** requires a minimum setback of 15' but does have a maximum setback.
- Given that the proposal only has 1 row of parking proposed and the building is 53' from the sidewalk, the overall impact in relation to the Comprehensive Plan and the surrounding area does not warrant recommending any additional conditions such as shifting the building forward and placing parking in the rear.
- Such conditions were discussed with the applicant and they did not express interest in meeting such a requirement.

Tree Preservation -

- The **2030 Comprehensive Plan** also calls for Tree Preservation in the **Natural Resources** Chapter.
- The **Zoning Code** also encourages Tree Preservation and outlines standards for protecting trees.
- 4 of 13 trees measuring 12" dbh or greater are proposed to be removed. These 4 trees include a 35" black walnut, a 31" White Pine, 16" Yellow Poplar and a 40" White Ash.
- Of these 4 trees, the Ash tree appears the best candidate for preservation due to its value (maturity & size) and its location in relation to the proposed site disturbance.

Lighting –

- Recent efforts to reduce light pollution in the City has lead to the recommendation of Dark Sky approved lighting.
- The City's **Zoning Code** requires that lighting be shielded
 - o **6-13-4 Lighting.** Lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way
- Requiring Dark Sky recommended lighting would ensure that the lighting was fully-shield and would utilize the correct color range of lighting which would limit the impact on the environment.

Tree Board Recommendations: RESERVED

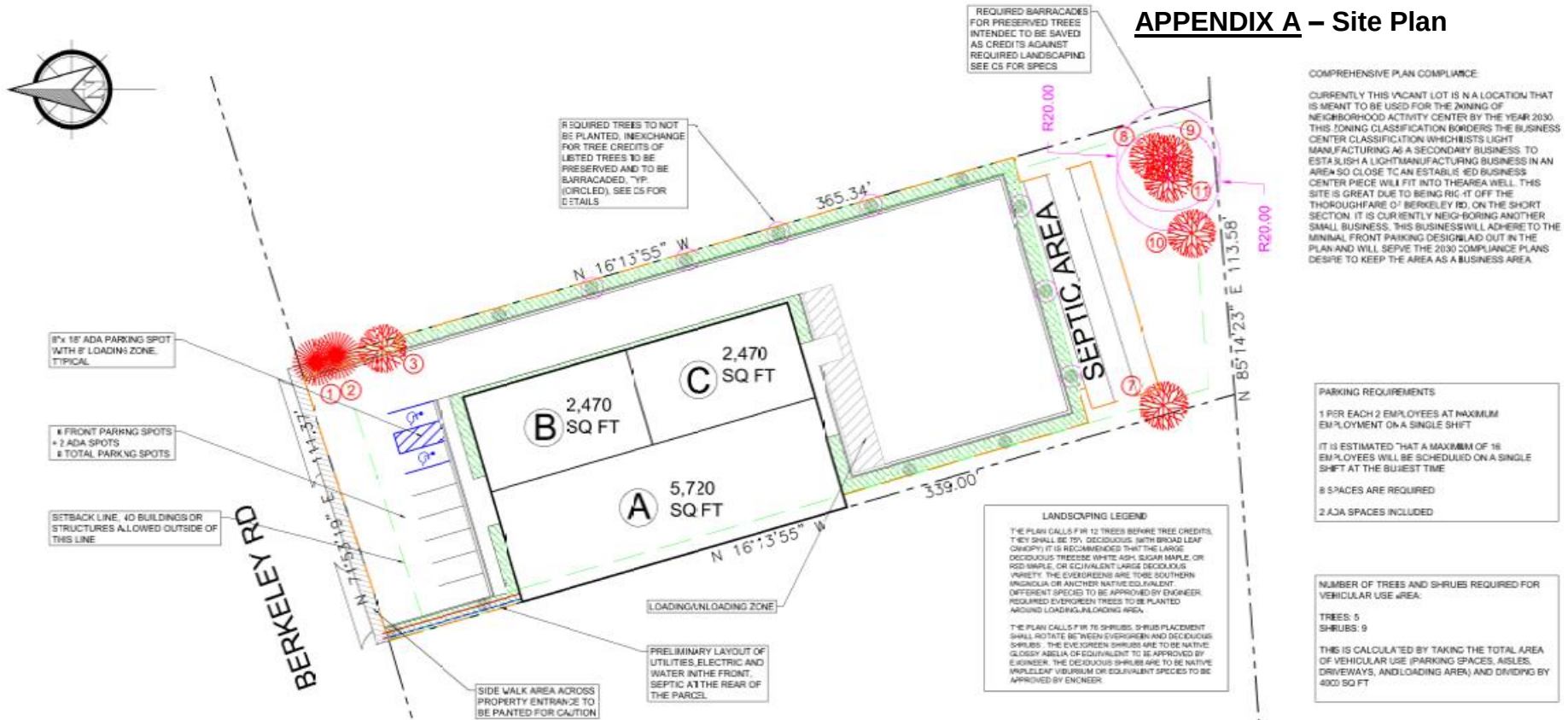
Developer Proposed Conditions: None

Staff Recommended Conditions: These conditions are included in the attached suggested motion. They can be included, removed or amended at Council's discretion and upon agreement by the parties involved.

- 1) *Preservation of Existing Trees – The developer will preserve Tree #5 – 40" White Ash - to greatest extent possible and in accordance with Tree Preservation Code Section 15-4 Existing Vegetation (c) and the tree will be credited towards landscaping requirements. Revisions to the Site Plan may be necessary.*
- 2) *All exterior lighting associated with the project shall be in accordance with the International Dark Sky Association's recommendation.*

PLANNING BOARD
0 N JUSTICE/BROWN ST/9TH AVE – PARDEE ENTRANCE / BROWN STREET PARKING LOT
FEBRUARY 8, 2021
PAGE 11

APPENDIX A – Site Plan



1 GENERAL SITE LAYOUT PLAN

GENERAL SITESOTES:

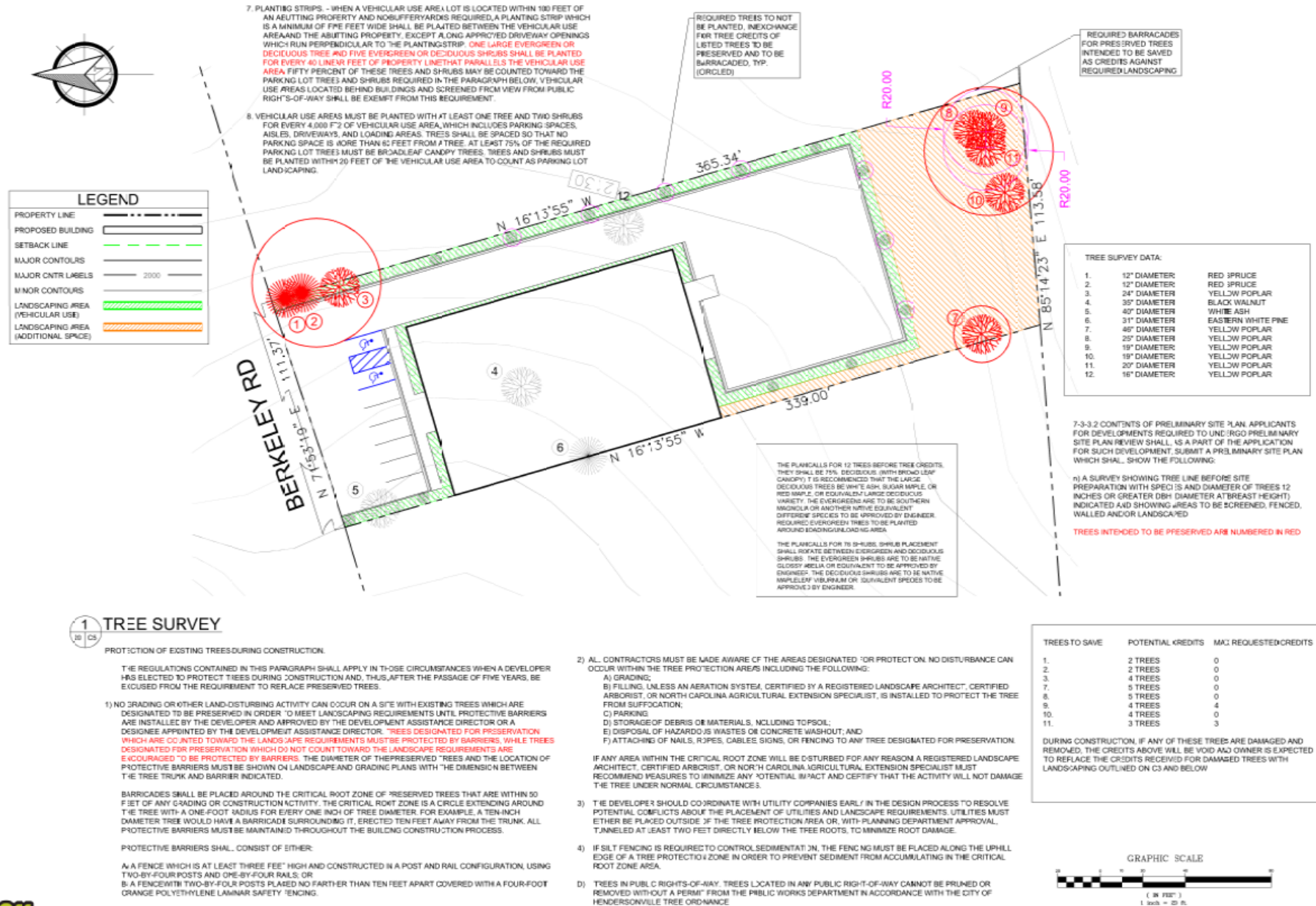
- IT IS OUR CLIENT'S WISH TO CONDITIONALLY REZONE THIS PARCEL, PIN# 9569-43-7639, FROM C-3 HIGHWAY BUSINESS ZONING DISTRICT CLASSIFICATION TO C2 SECONDARY BUSINESS AND USE THE LAND FOR LIGHT MANUFACTURING.
- THE USE OF THIS ZONING WILL REQUIRE US TO APPLY FOR A CONDITIONAL USE PERMIT PURSUANT TO ARTICLE X AND SHALL BE SUBJECT TO SPECIAL REQUIREMENTS CONTAINED IN SECTION 16-4.
- COMMON OPEN SPACE FOR NON-RESIDENTIAL DEVELOPMENTS SHALL BE USED FOR LANDSCAPING, LAWNS, SCREENING OR BUFFERING. IT MAY NOT CONTAIN ANY STREETS, PARKING OR LOADING AREAS, OUTDOOR STORAGE, TRASH HANDLING, UTILITY OR SERVICE AREAS, OR AREAS WITH IMPERVIOUS SURFACES OTHER THAN SIDEWALKS, RECREATIONAL FACILITIES AND MEETING AREAS.
- AT LEAST 10% OF THE PROJECT AREA SHALL BE DEVOTED TO COMMON SPACE. COMMON SPACE CURRENTLY IS DESIGNED TO BE 27%.
- AREA DESIGNATED AS COMMON SPACE TO BE MAINTAINED BY OWNER
- NOT LOCATED IN A FLOOD ZONE
- THE STORM WATER MANAGEMENT SYSTEM WILL BE COMPRISED OF SUB-SURFACE STORAGE UNDER THE PARKING LOT WHICH WILL THEN BE TIED TO THE EXISTING SYSTEM.
- REGARDING SIGNS:
THERE WILL BE ONE FRUJ FOWLER SIGN MOUNTED ON THE BUILDING (25 SQ FT).
THE FRONT TENANT CAN HAVE A SIGN ON THE FRONT GLASS.
THE BACK TENANT CAN HAVE A 3' X 3' SIGN MOUNTED ON THE LEFT FRONT OF THE BUILDING.

- PLANTING STRIPS - WHEN A VEHICULAR USE AREA LOT IS LOCATED WITHIN 100 FEET OF AN ABUTTING PROPERTY AND NO BUFFERYARD IS REQUIRED, A PLANTING STRIP WHICH IS A MINIMUM OF FIVE FEET WIDE SHALL BE PLANTED BETWEEN THE VEHICULAR USE AREA AND THE ABUTTING PROPERTY, EXCEPT ALONG APPROVED DRIVEWAY OPENINGS WHICH RUN PERPENDICULAR TO THE PLANTING STRIP. ONE LARGE EVERGREEN OR DECIDUOUS TREE AND FIVE EVERGREEN OR DECIDUOUS SHRUBS SHALL BE PLANTED FOR EVERY 40 LINEAR FEET OF PROPERTY LINE THAT PARALLELS THE VEHICULAR USE AREA. FIFTY PERCENT OF THESE TREES AND SHRUBS MAY BE COUNTED TOWARD THE PARKING LOT TREES AND SHRUBS REQUIRED IN THE PARAGRAPH BELOW. VEHICULAR USE AREAS LOCATED BEHIND BUILDINGS AND SCREENED FROM VIEW FROM PUBLIC RIGHTS-OF-WAY SHALL BE EXEMPT FROM THIS REQUIREMENT.
- VEHICULAR USE AREAS MUST BE PLANTED WITH AT LEAST ONE TREE AND TWO SHRUBS FOR EVERY 4,000 SQ FT OF VEHICULAR USE AREA, WHICH INCLUDES PARKING SPACES, AISLES, DRIVEWAYS, AND LOADING AREAS. TREES SHALL BE SPACED SO THAT NO PARKING SPACE IS MORE THAN 63 FEET FROM A TREE. AT LEAST 75% OF THE REQUIRED PARKING LOT TREES MUST BE BROADLEAF CANOPY TREES. TREES AND SHRUBS MUST BE PLANTED WITH 10 FEET OF THE VEHICULAR USE AREA TO COUNT AS PARKING LOT LANDSCAPING.
- ANY OUTDOOR LIGHTING WILL BE MOUNTED ON THE BUILDING AND DIRECTED DOWNWARD AS REQUIRED BY CITY REGULATION (2 MOUNTED ON THE FRONT OF THE BUILDING, 2 MOUNTED ON THE SIDE TO LIGHT THE DRIVEWAY, AND 2 MOUNTED ON THE BACK OF THE BUILDING TO LIGHT THE DOCK AREA).
- THERE ARE NO RESERVATIONS OR RESTRICTIVE COVENANTS ON THIS PROPERTY.
- THERE ARE NO PHASING LINES ASSOCIATED WITH THIS PROJECT.
- THIS PROJECT WILL NOT REQUIRE A TRANSPORTATION IMPACT ANALYSIS.
- THERE ARE NO RIGHTS-OF-WAY COMPLIANCE APPLICATIONS ON THIS PROJECT.
- BARRICADES SHALL BE PLACED AROUND THE CRITICAL ROOT ZONE OF PRESERVED TREES THAT ARE WITHIN 50 FEET OF ANY GRADING OR CONSTRUCTION ACTIVITY. THE CRITICAL ROOT ZONE IS A CIRCLE EXTENDING AROUND THE TREE WITH A ONE-FOOT RADIUS FOR EVERY ONE INCH OF TREE DIAMETER. FOR EXAMPLE, A TEN-INCH DIAMETER TREE WOULD HAVE A BARRICADE SURROUNDING IT, ERRECTED TEN FEET AWAY FROM THE TRUNK. ALL PROTECTIVE BARRIERS MUST BE MAINTAINED THROUGHOUT THE BUILDING CONSTRUCTION PROCESS.

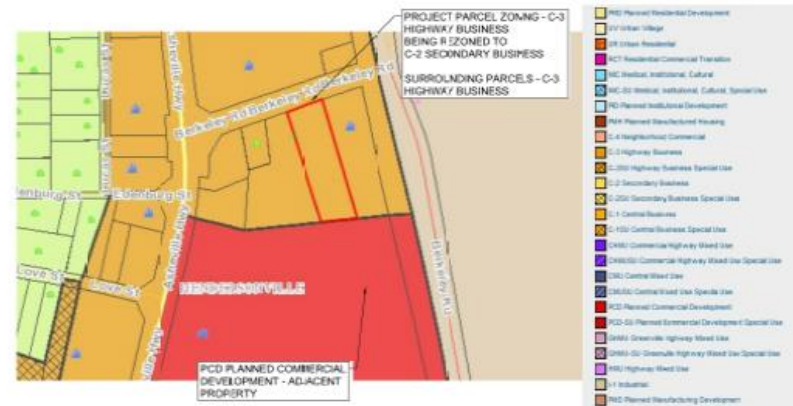
LEGEND	
PROPERTY LINE	---
PROPOSED BUILDING	—
SETBACK LINE	---
MAJOR CONTOURS	—
MAJOR CNTR LABELS	2000
MINOR CONTOURS	—
LANDSCAPING AREA (VEHICULAR USE)	—
ELECTRICAL LINE	—
WATERLINE	—



APPENDIX B – Tree Survey/Landscaping Plan



APPENDIX C – Zoning District Standards Plan



CITY LIMITS
 SCALE: NOT TO SCALE

1
 C4

ZONING
 SCALE: NOT TO SCALE

2
 C4

SECTION 5-7 C-2 SECONDARY BUSINESS ZONING DISTRICT CLASSIFICATION

THIS ZONING DISTRICT CLASSIFICATION IS DESIGNED PRIMARILY TO ACCOMMODATE A) EXISTING DEVELOPMENTS OF MIXED COMMERCIAL AND LIGHT INDUSTRIAL USES, AND B) CERTAIN COMMERCIAL AND LIGHT INDUSTRIAL USES COMPATIBLE WITH ONE ANOTHER BUT INAPPROPRIATE IN CERTAIN OTHER ZONING DISTRICT CLASSIFICATIONS.

PROPOSED USES

LIGHT MANUFACTURING
 CONSTRUCTION TRADES
 REPAIR SERVICES
 WHOLESALE BUSINESS

5-7-3 DIMENSIONAL REQUIREMENTS

MINIMUM LOT AREA IN SQUARE FEET: 8,000-6,000 FOR RESIDENTIAL USE;
 LOT AREA PER DWELLING UNIT IN SQUARE FEET: 6,000 FOR THE FIRST, 4,000 FT2 FOR ONE ADDITIONAL DWELLING UNIT IN ANY ONE BUILDING
 MINIMUM LOT WIDTH AT BUILDING LINE IN FEET: NONE EXCEPT FOR STRUCTURES CONTAINING DWELLING UNIT; WHICH SHALL HAVE A MINIMUM LOT WIDTH AT BUILDING LINE OF 50 FEET
 MINIMUM YARD REQUIREMENTS IN FEET: **FRONT: 15** EXCEPT FOR STRUCTURES CONTAINING DWELLING UNIT; WHICH SHALL HAVE A MINIMUM FRONT YARD OF 20 FEET.
SIDE: 5 (SIDE YARDS ARE NOT REQUIRED, BUT WHEN PROVIDED MUST BE A MINIMUM OF FIVE FEET. COMMON WALL CONSTRUCTION IS PERMITTED IN THE C-2 ZONING DISTRICT CLASSIFICATION. ON ALL CORNER LOTS, A TEN FOOT SIDE YARD SETBACK IS REQUIRED.)
REAR: NONE EXCEPT FOR STRUCTURES CONTAINING DWELLING UNITS WHICH SHALL HAVE A MINIMUM SETBACK OF TEN FEET. OTHERWISE, REAR YARDS ARE NOT REQUIRED UNLESS THE C-2 ZONING DISTRICT CLASSIFICATION ADJUTS AN ESTABLISHED RESIDENTIAL DISTRICT. IN THIS CASE, THE REAR YARD SETBACK REQUIREMENT SHALL BE A MINIMUM OF TEN FEET.
 MAXIMUM HEIGHT IN FEET: 48

ZONING DISTRICT STANDARDS

SCALE: NOT TO SCALE

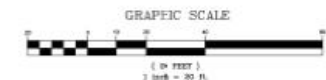
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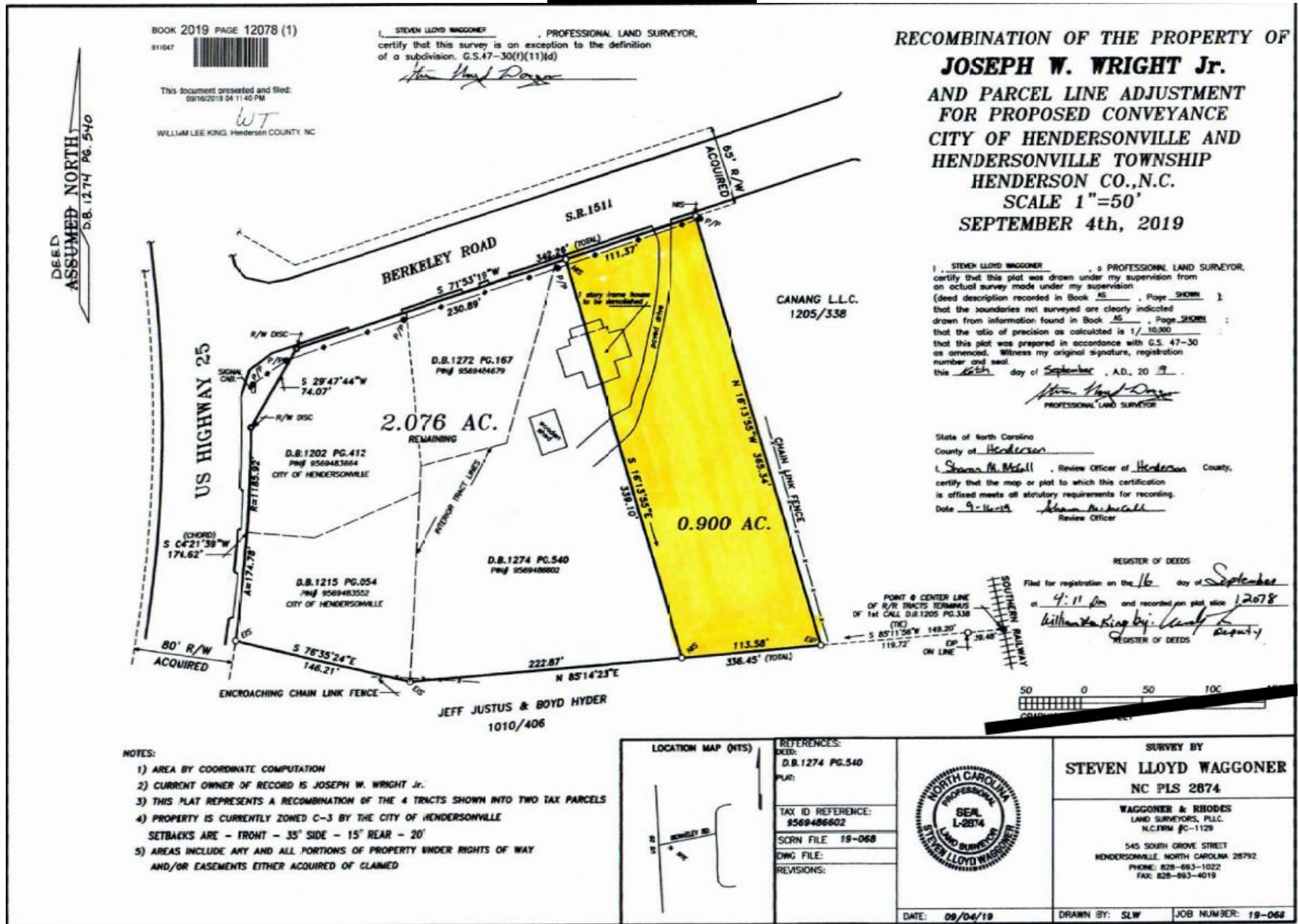
DIMENSIONS

SCALE: 1" = 40' 0"

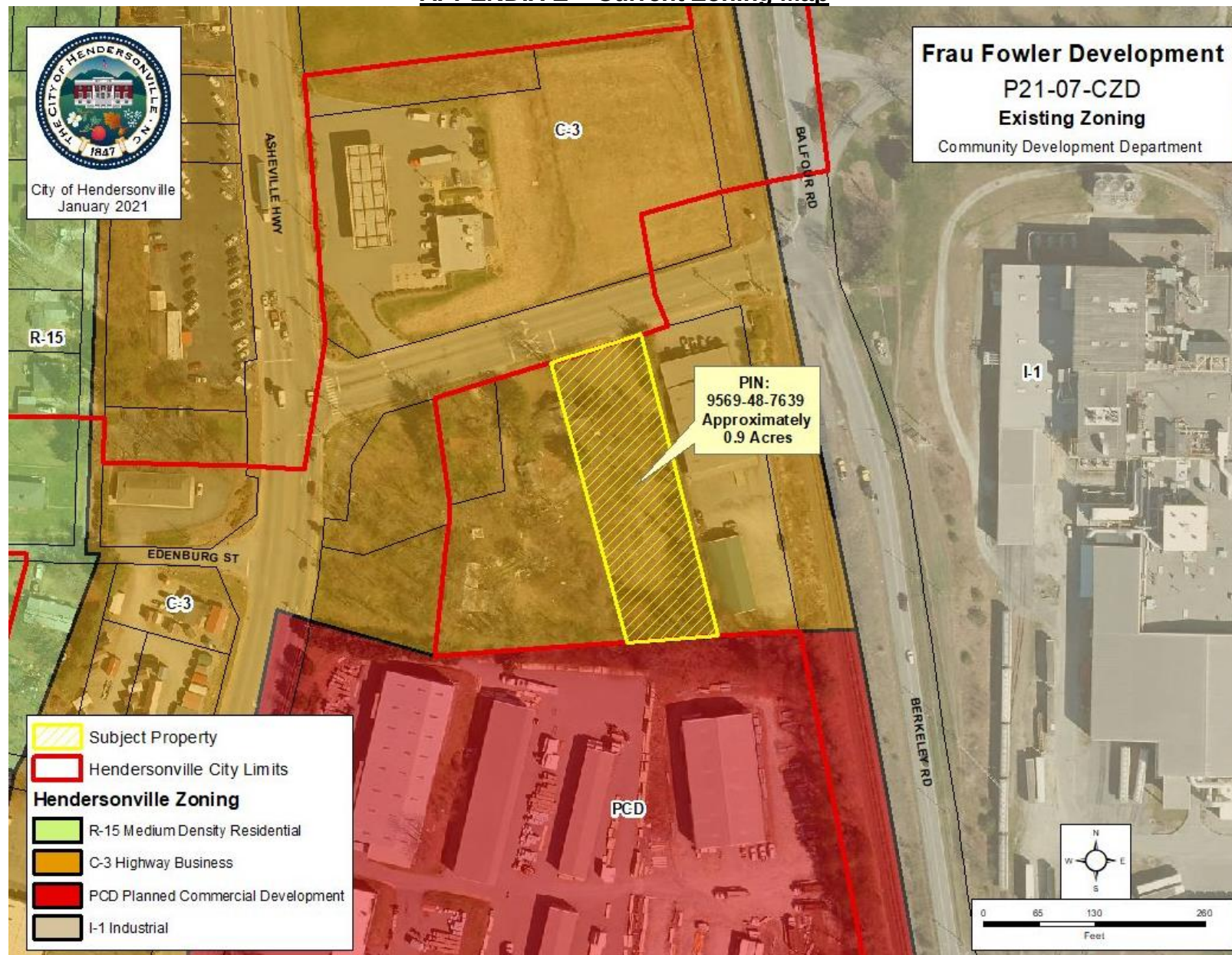
4
 C4



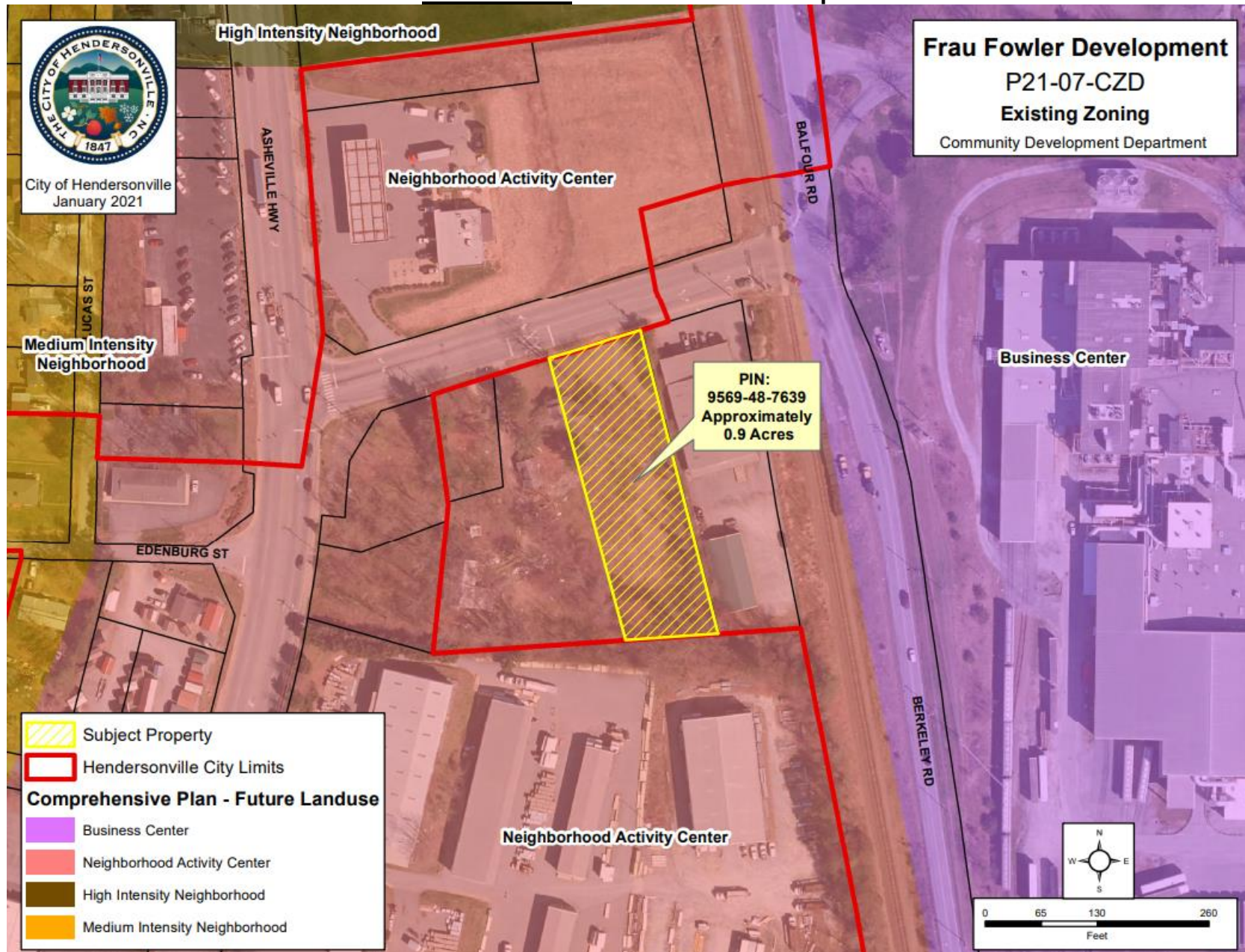
APPENDIX D – Plat



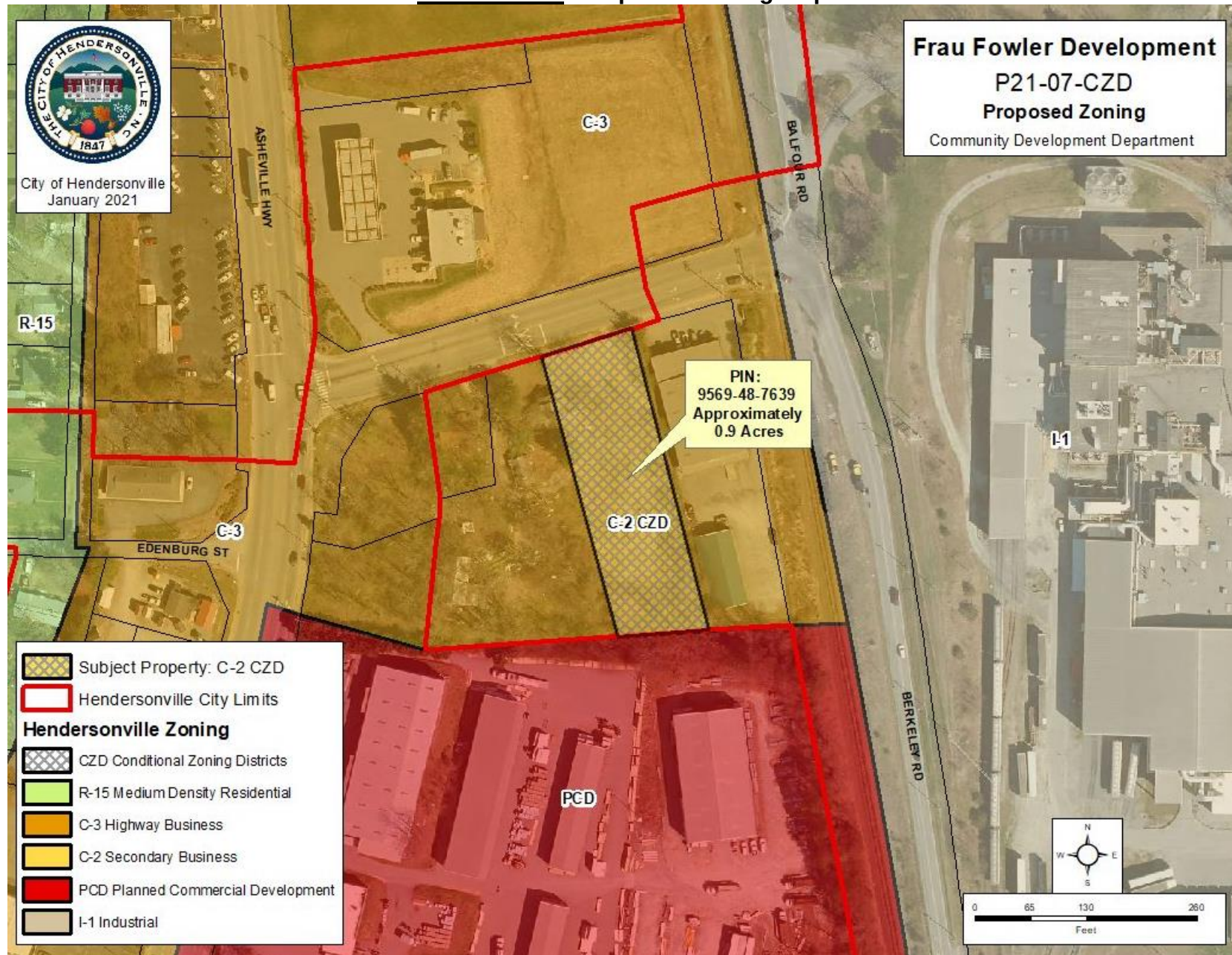
APPENDIX E – Current Zoning Map



APPENDIX F – Future Land Use Map



APPENDIX G- Proposed Zoning Map



APPENDIX H – Neighborhood Compatibility Meeting Minutes

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Frau Fowler Building File # P21-07-CZD
Friday, February 5, 2021 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Council Chambers of City Hall. Approximately one application representative and three City staff were in attendance. The follow attended:

Name	Address	Name	Address
John McMahan (app)	One Oak Properties LLC		
Tyler Morrow	Staff		
Tyler Henry	Staff		
Terri Swann	Staff		
Matthew Manley	Staff		
Bronce Pesterfield	Pesterfield Eng		
Adam Merritt	Pesterfield Eng		
Ken Fitch	Resident		
Perry Fields	Developer		

Mr. Morrow opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Morrow said the project will go before the Planning Board for their recommendation and City Council will hear the project and make a final decision. Mr. Morrow stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is located at 1015 Berkeley Road. The property is currently zoned C-3, Highway Business. The proposed rezoning is C-2 CZD, Secondary Business Conditional Zoning District. The site plan shows a 10,634 sq. ft. building that will house light manufacturing and a 2,500 sq. ft. building to the rear to be used as a warehouse. This property will be accessed from Berkeley Road. If approved the project will be limited to conditions that will be tied to the site plan.

Bronce Pesterfield and Adam Merritt both participated via zoom. They are the Engineers for the project. Mr. Merritt stated the property is zoned C-2 and they would like it rezoned to C-3 for a light manufacturing use along with other C-2 options. The company is BNC which will operate light manufacturing from the building.

John McMahan stated he is with the project and would like to clarify for the record that Mr. Merritt stated the property is currently zoned C-2 and they would like it rezoned to C-3. The property is actually

PLANNING BOARD
0 N JUSTICE/BROWN ST/9TH AVE – PARDEE ENTRANCE / BROWN STREET PARKING LOT
FEBRUARY 8, 2021
PAGE 19

zoned C-3, Highway Business and the proposed rezoning would be C-2 CZD, Secondary Business Conditional Zoning District. He wanted to clarify that for the record.

Mr. Morrow stated they will hear the live comments. He explained the raise hand feature and asked each person to state their name and address for the record.

Ken Fitch, 1046 Patton Street stated he would like the zoning category explained and an explanation of what that zoning entails. Mr. Morrow stated the C-3, Highway Business zoning is the zoning that is along most thoroughfares and is a commercial zoning. C-2, Secondary Business allows different types of uses that normally do not border the thoroughfares as much. It allows for light manufacturing and C-3 does not.

Mr. Fitch asked how much traffic would this produce. He also wanted to know what type of product they would be manufacturing and how the parking for this site would work and if deliveries would be made to the site.

Mr. Merritt stated they are expecting deliveries out of the building. There are only 8 spaces required and they have 16. The parking at the front will cover the employees. Mr. Pesterfield stated this will generate less traffic than a highway business use would generate. They will have deliveries and the type of business is a dental hygiene business. They will not have a tremendous amount of truck traffic.

Perry Fields, developer stated she wants to employee people in the area and she feels this is a fantastic location. She currently resides in Colorado but will be moving back home to the mountains of North Carolina. She manufactures natural oral care products that are mainly used in dental offices. She is from the mountains and that is why she chose this location.

Mr. Fitch asked if there would be a driveway back to the warehouse. There will be another entity on-site and what about the parking for them.

Mr. Pesterfield stated they will have a driveway to access the rear part of the property. It will be on the left and they will have parking for the rear building. They were limited in size for the rear building due to the septic system.

Mr. Fitch stated another entity would be at the facility and what about the parking for that. Around the Corner Ministries could possibly have meetings and how would that function. Mr. Morrow stated Around the Corner Ministries is the current property owner and this will switch hands to Mr. Fields when she purchases the property. Mr. Fitch asked if there would be enough parking for the entity in the facility. Mr. Morrow stated yes.

Mr. Morrow explained that when calculating the different uses for the project, they would go with the use that requires the most parking to make sure that the project has sufficient parking. Commercial uses require more parking than light manufacturing therefore they would have to meet the higher requirement.

Mr. Fitch asked about the name of the company. Ms. Fields stated it came from her German ancestry.

Mr. Morrow asked if anyone else would like to comment. No other comments were made.

Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign. This project should go before the Planning Board in March and City Council in April.

With no further comments or questions, Mr. Morrow closed the meeting at 2:24 pm.

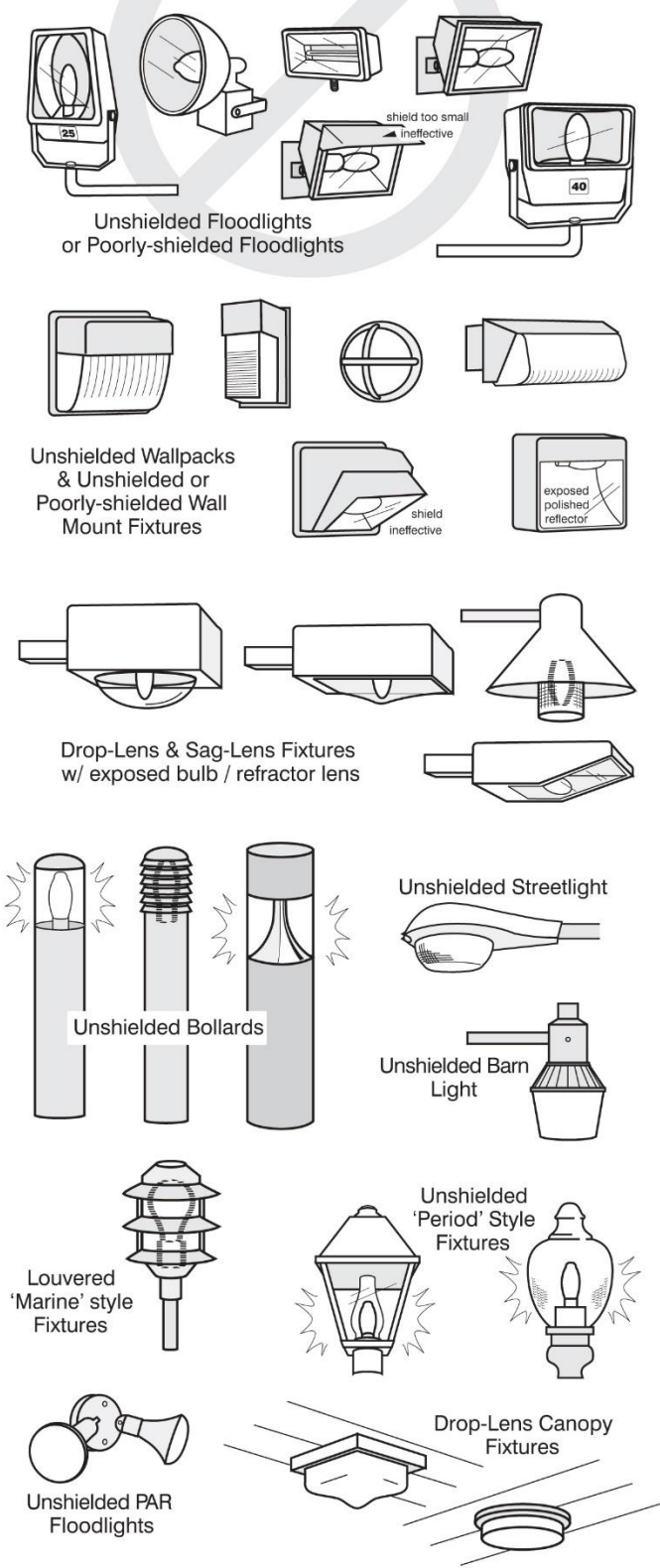
APPENDIX I – Dark Sky Suggested Lighting
(Attached)

Suggested Lighting from the International Dark Sky Association:
<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>

Examples of Acceptable / Unacceptable Lighting Fixtures

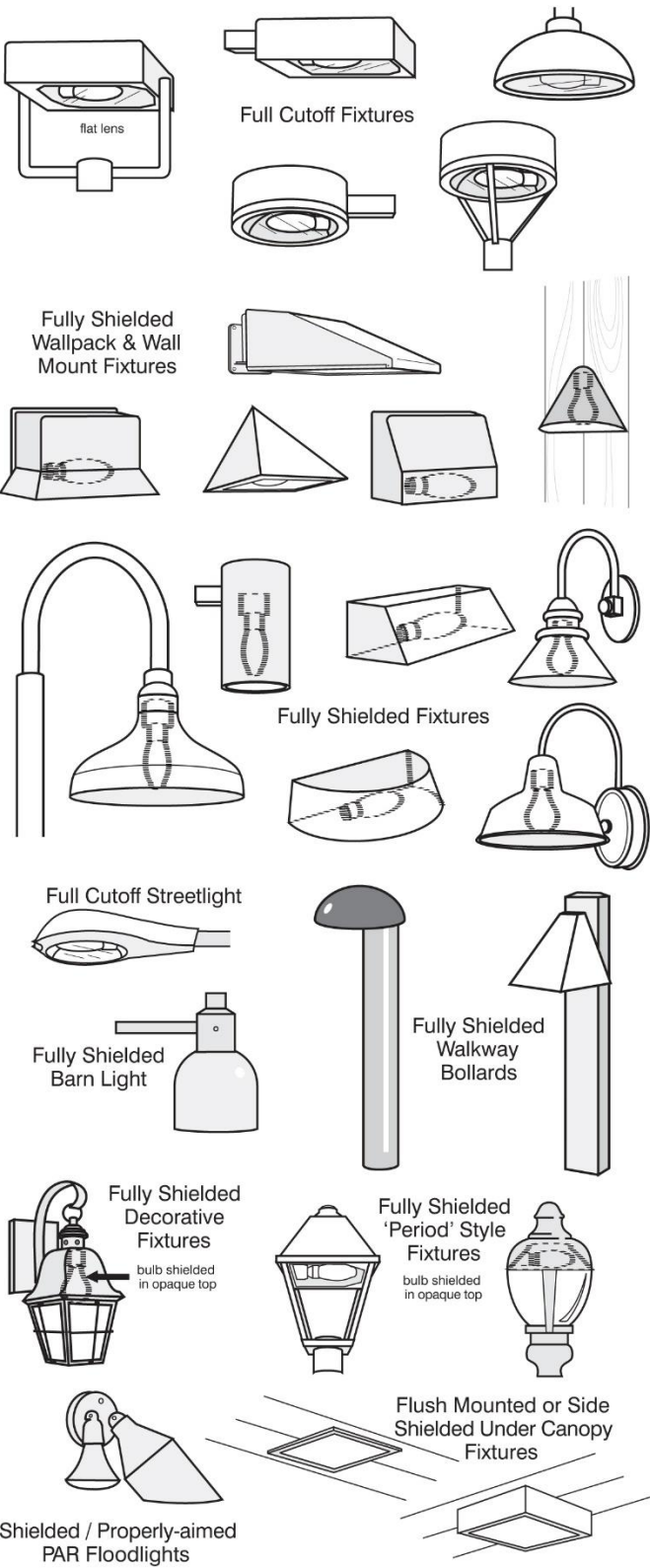
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



List of Uses & Conditions: Frau Fowler Building (File # P21-07-CZD)

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Light Manufacturing, Wholesale Business, Construction Trades, and Repair Services

II. Conditions:

(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:

City-Initiated Conditions:

- i. Preservation of Existing Trees – The developer will preserve Tree #5 – 40” White Ash - to greatest extent possible and in accordance with Tree Preservation Code Section 15-4 Existing Vegetation (c) and the tree will be credited towards landscaping requirements. Revisions to the Site Plan may be necessary.
- ii. All exterior lighting associated with the project shall be in accordance with the International Dark Sky Association’s recommendation.

Developer-Initiated Conditions: N/A

(2) Shall Be Attached to the Conditional Rezoning:

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

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

Applicant
Signature:_____

Printed Name: Perry Fields

Date:_____

Property Owner:
Signature:_____

Printed Named: Around the Corner Ministries

Date:_____

Title within LLC:_____

Ordinance #____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS OF THE AROUND THE CORNER MINISTRIES (PIN# 9569487639) BY CHANGING THE ZONING DESIGNATION FROM C-3 (HIGHWAY BUSINESS DISTRICT) TO C-2 CZD (SECONDARY BUSINESS CONDITIONAL ZONING DISTRICT)

IN RE: 1015 Berkeley Rd (PIN 9569487639)
(File # P21-07-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Perry L. Fields for the construction of a new building and associated parking and landscaping;

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

WHEREAS, City Council took up this application at its regular meeting on April 1st, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:

Parcel 9569-48-7639 from C-3 (Highway Business District) to C-2 CZD (Secondary Business Conditional Zoning District)
2. Development of the parcels shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this __th, day of April 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____ day of _____, 2021.

My commission expires:

Amy H. Knight



CITY OF HENDERSONVILLE PLANNING BOARD AGENDA ITEM SUMMARY

SUBMITTER: Tyler Morrow **MEETING DATE:** March 8th, 2021

AGENDA SECTION: Board Action **DEPARTMENT:** Community Development

TITLE OF ITEM, Presenter Name, Title: P21-08-CZD Neal Lechtner Mini-Storage – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

SUGGESTED MOTIONS – P21-08-CZD: Neal Lechtner Mini-Storage

1. **For Recommending Approval:**

I move the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from R-20 (Low Density Residential) to C-3 CZD (Highway Business Conditional Zoning District), with the following conditions:

[PLEASE REFERENCE THE LIST OF USES & CONDITIONS WITH AMENDMENTS AS NECESSARY]

The motion is based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

2. **For Recommending Denial:**

I move the Planning Board recommend City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

Zoning Ordinance Standards:

Comprehensive Plan consistency: whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and amendments thereto.

Compatibility with surrounding uses: whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Changed conditions: whether and the extent to which there are changed conditions, trends or facts that require an amendment.

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.

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.

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.

SUMMARY:

The City is in receipt of a Conditional Rezoning application from Neal Lechtner and North Main Street Properties of Hendersonville, LLC. for the development of a 3-story mini storage facility on approximately 1.83 acres. The subject property is identified as parcel number 9569-96-4276. The lot is currently vacant and wooded. The applicant is requesting to rezone the subject property from R-20 Low Density Residential to C-3 Highway Business Conditional Zoning District.

PROJECT/PETITION NUMBER:	P21-08-CZD
PETITIONER NAME:	Neal Lechtner
	North Main Street Properties of Hendersonville, LLC

ATTACHMENTS:

Planning Board Staff Report

List of Uses and Conditions

Draft City Council Ordinance

Community Development Staff Report

TO: Planning Board

FROM: Community Development Department- Planning Division

RE: Neal Lechtner Mini Storage Conditional Zoning District

FILE #: P21-08-CZD

DATE: March 8th, 2020

PROJECT DESCRIPTION

The City is in receipt of a Conditional Rezoning application from Neal Lechtner and North Main Street Properties of Hendersonville, LLC. for the development of a 3-story mini storage facility on approximately 1.83 acres. The subject property is identified as parcel number 9569-96-4276. The lot is currently vacant and wooded. The applicant is requesting to rezone the subject property from R-20 Low Density Residential to C-3 Highway Business Conditional Zoning District. Photos of the existing conditions on the site are attached as Appendix D.

NEIGHBORHOOD COMPATIBILITY

A neighborhood compatibility meeting concerning this application was held on February 10th, 2021. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by the Zoning Ordinance.

Several people representing the public attended the meeting virtually. Comments centered around.

- The height of the building
- Increased traffic
- Buffers
- Close proximity to an existing single-family home.

A copy of the neighborhood compatibility report accompanies this memorandum as Appendix A.

TREE BOARD

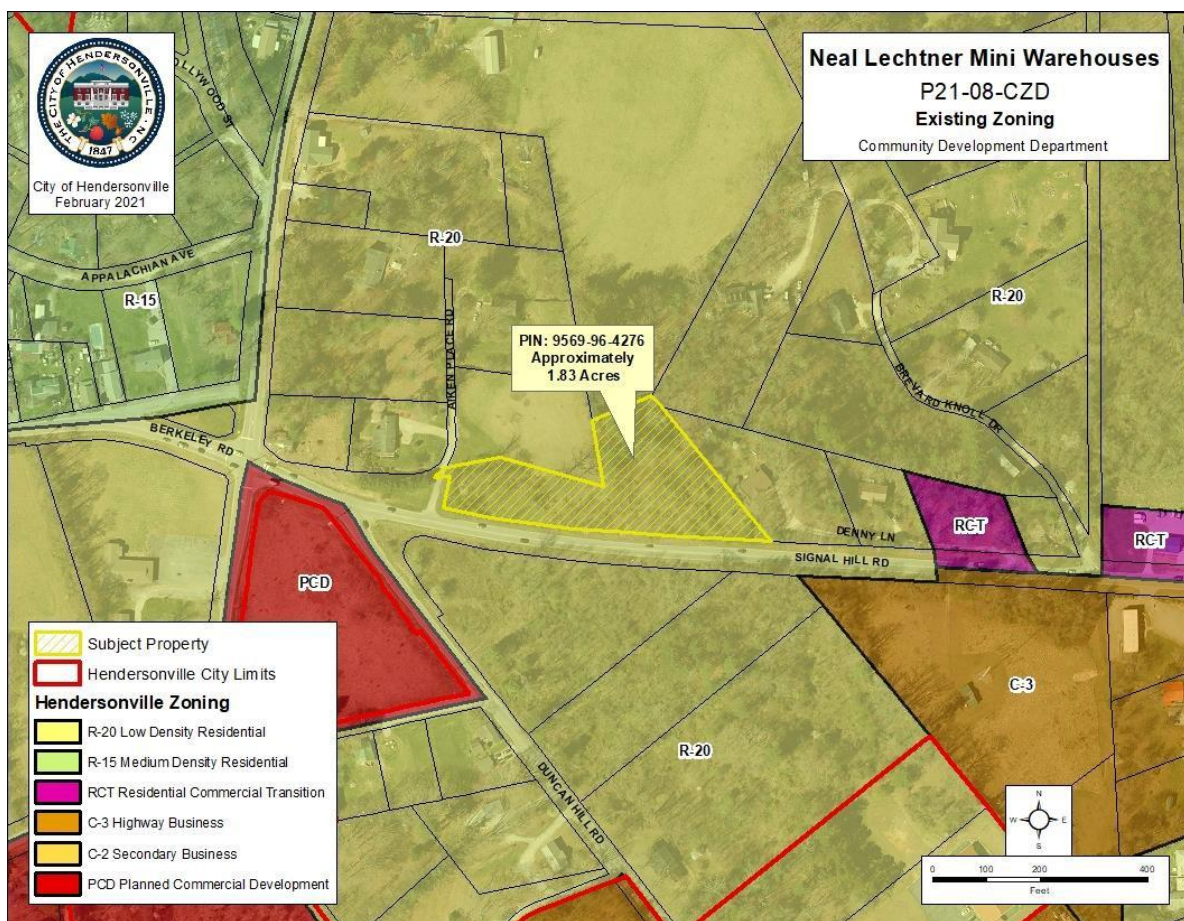
The Tree Board will convene 1 day after this staff report is sent to Planning Board

members. Any recommendations that the Tree Board may have will be given as a supplement on or prior to the meeting on March 8th. Photos of existing trees are attached as appendix E.

Rezoning Request Analysis

EXISTING LAND USE & ZONING

The subject property is currently zoned R-20 low density residential. The property is currently vacant and completely wooded. A tree survey submitted by the applicant is attached as appendix G.



Parcels to the north are zoned R-20 low density residential. Parcels to the east are zoned C-3 Highway Business and RCT, Residential Commercial Transition. Parcels to the south are zoned R-20 and C-3 and contain various commercial uses such as Four Seasons Ford. Parcels to the west are zoned PCD, Planned Commercial Development, C-2 Secondary Business and R-20. Surrounding land uses and zoning districts are shown in Appendix B “Existing Land Use Map” and Appendix C “Existing Zoning Map”.

COMPREHENSIVE PLAN CONSISTENCY

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



Goal LU-7.

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

Strategy LU-7.1.

Locations:

- Existing or planned high-density housing neighborhoods (greater than eight units per acre)
- Priority infill development areas where high-density development is desirable and/or expected, including:
 - Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers
 - Areas surrounding Regional Activity Centers
 - Neighborhoods near Downtown, excluding historic neighborhoods
 - Neighborhoods between Jackson Park and US-176

Strategy LU-7.2.

Primary recommended land uses:

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

Strategy LU-7.3.

Secondary recommended land uses:

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

Strategy LU-7.4.

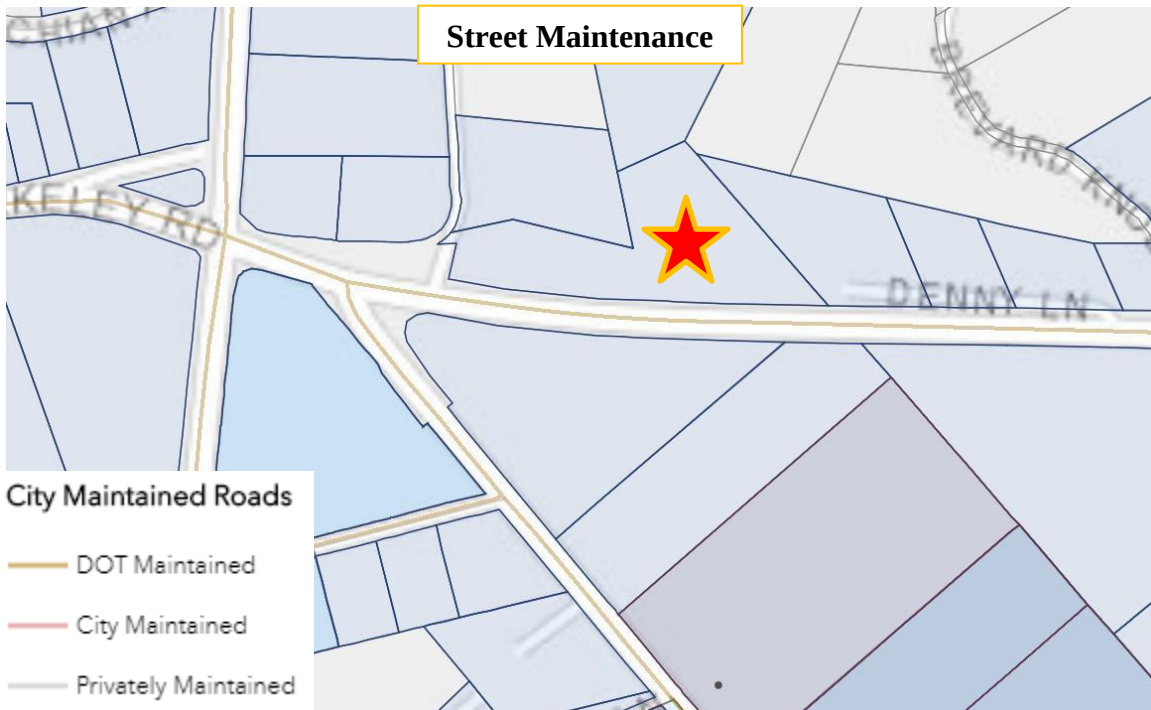
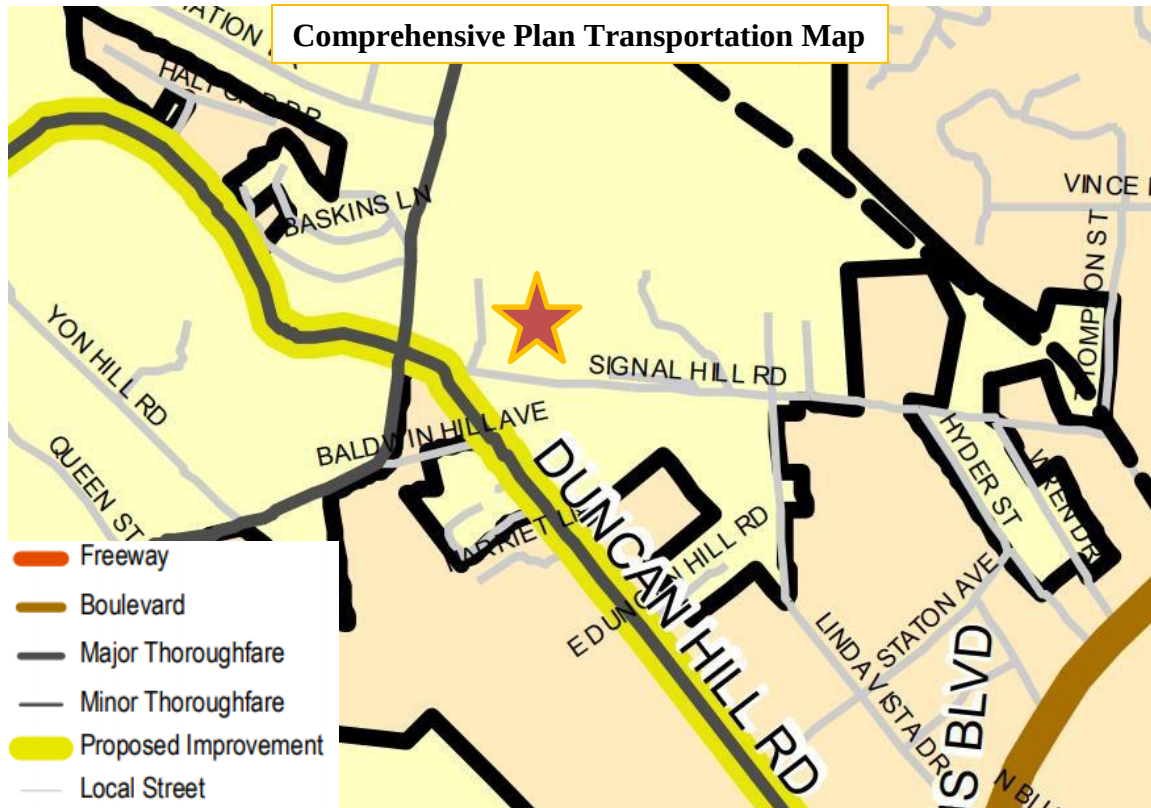
Development guidelines:

- Eight or more units per gross acre
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers
- At least 60% open space in new residential developments greater than three acres
- Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

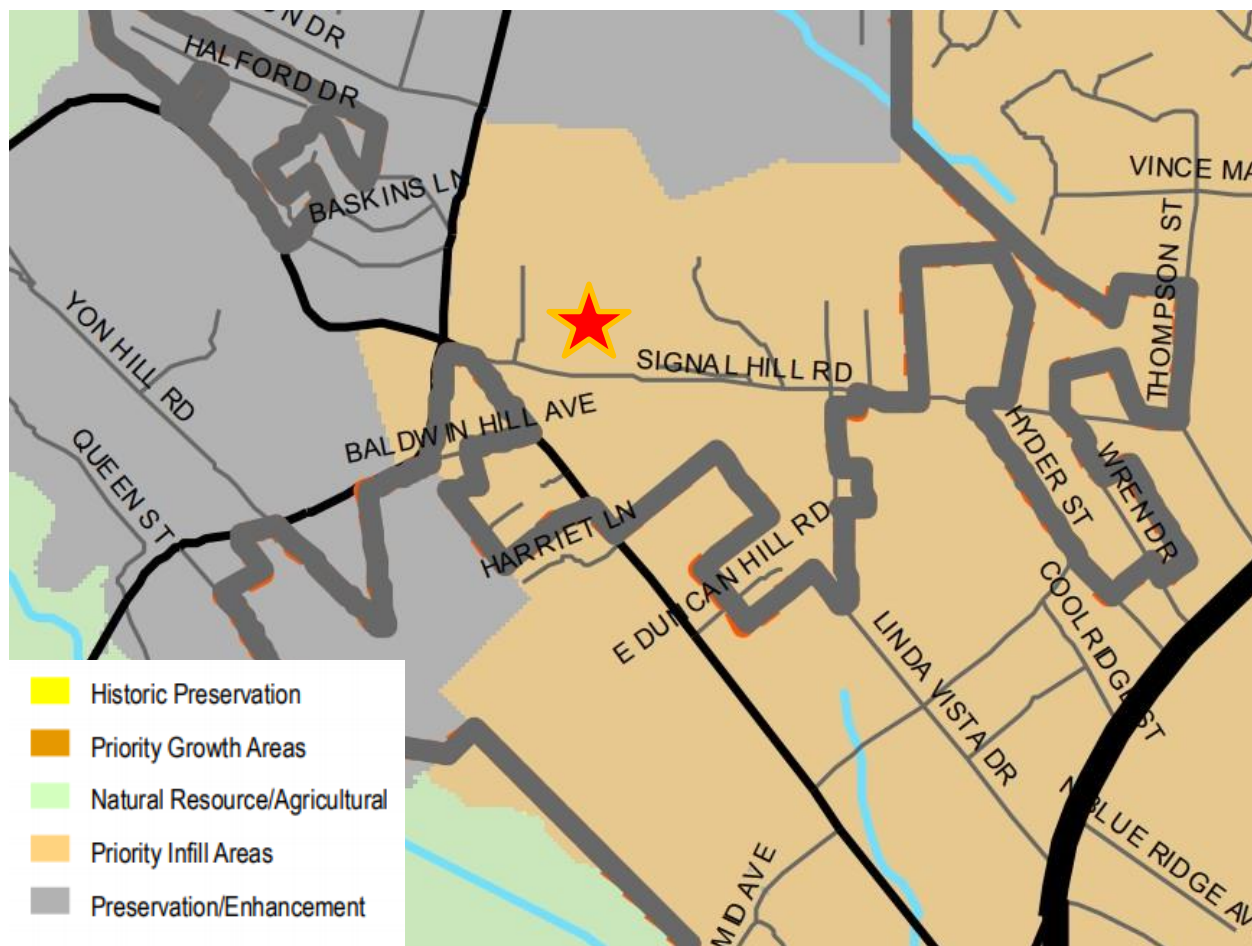


Example of High-Intensity Neighborhood development

TRANSPORTATION



COMPREHENSIVE GROWTH MANAGEMENT MAP



Priority Infill Areas (beige): “Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties.”

ZONING ORDINANCE GUIDELINES

Per Section 11-4 of the City’s Zoning Ordinance, the following factors shall be considered prior to adopting or disapproving an amendment to the City’s Official Zoning Map:

1. **Comprehensive Plan consistency.** Consistency with the Comprehensive Plan and amendments thereto.

2. **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **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.
5. **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.
6. **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.

PLAN REVIEW:

The site plan is Appendix F of this memo.

Buildings

The site plan shows a 30' high mini storage building. The building has a gross floor area of 47,485 square feet and a rentable square footage of 29,050. The building is proposed to house 228 storage units of varying sizes.

Parking Requirements - Table 6-5-2

The zoning ordinance requires mini warehouses to have a minimum of 1 per 2 employees at maximum employment on a single shift plus 1 per 20 rental units.

228 Units= 12 Spaces

1 employee on one shift= 0

- **12 spaces required.**
- **12 spaces provided plus 10 feet parking lane.**

Mini warehouses are also required to have a 10-foot-wide parking lane around the building, which is shown on the plan. Staff feels that this exceeds any parking need for the site.

Traffic Impact Analysis - Section 6-18

- It was determined that a Traffic Impact Analysis was not necessary for this project. According to the 7th edition volume 2 of the Institute of Transportation Engineers trip generation manual the project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds.
 - Mini Warehouse – Per Employee Calculation
 - 56.28 trips per weekday
 - 7 trips peak AM hour
 - 6.12 trips peak PM hour
 - Mini Warehouse- Per 1,000 Square Feet Calculation
 - 13.44 Trips AM peak hour.
 - 13.92 trips PM peak hour
 - No data for daily trips.

Entrance

The development will have 1 entrance off of Signal Hill Road. Due to the possibility of other developments in the area and the site distance for the sight. Staff will be working directly with the applicant and NCDOT for the best possible design.

Stormwater/Flood Hazard Area

The land disturbance for this project exceeds one acre; a storm water management system is required. The stormwater plan will be reviewed by the City's Engineering Department.

Landscaping:

The applicant will be required to provide vehicular use landscaping for this project. Vehicular use landscaping consists of 1 tree and 2 shrubs for every 4,000 square feet of VUA.

- Required: 5 Trees, 10 Shrubs

Since this project is a commercial use that abuts residential, a Type B buffer will be required along the property boundary.

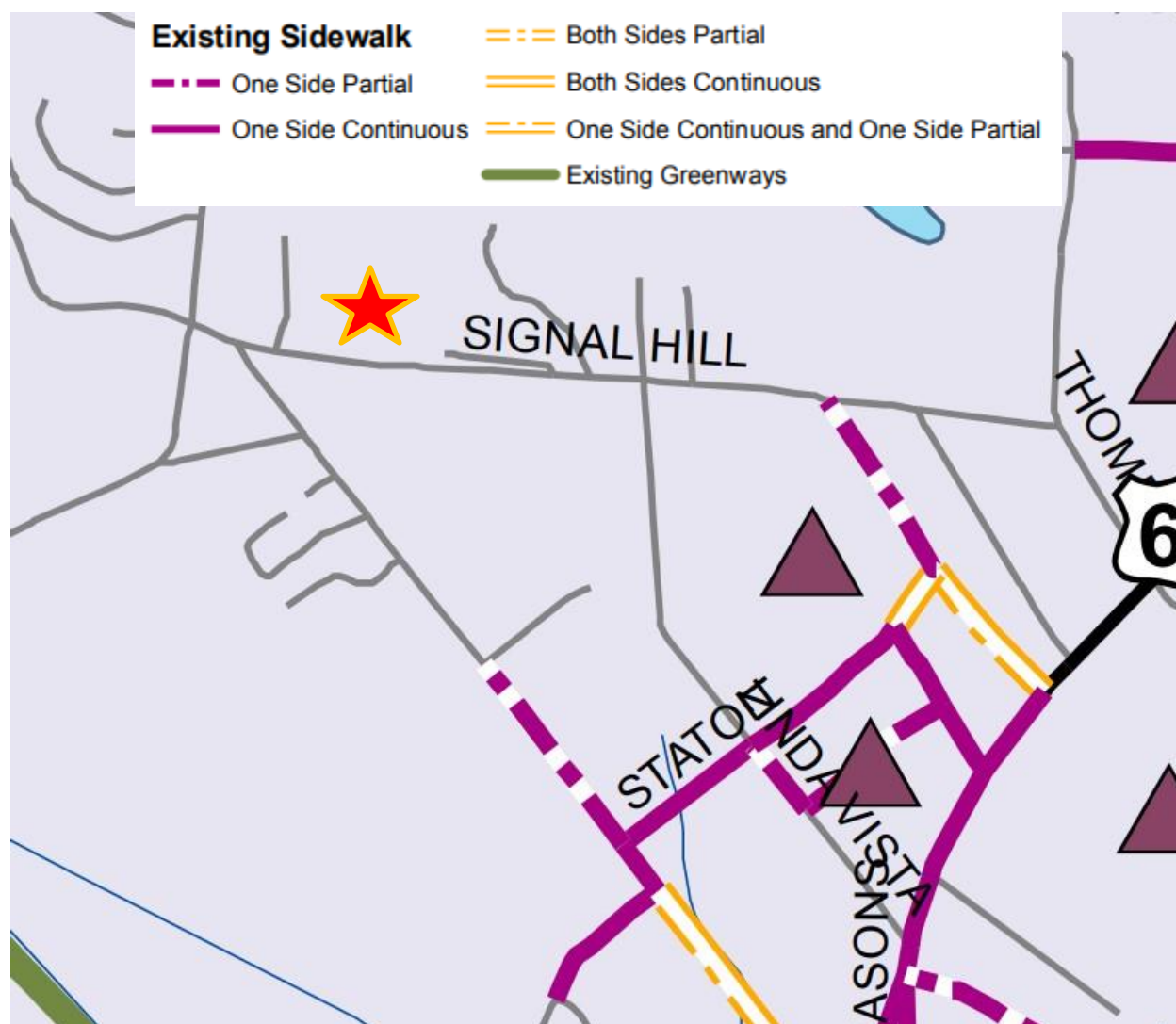
A Type B Buffer consists of: (per 100 linear feet)

- 4 broadleaf canopy trees
- 25 evergreen shrubs (4-foot centers)
- 33 flowering shrubs

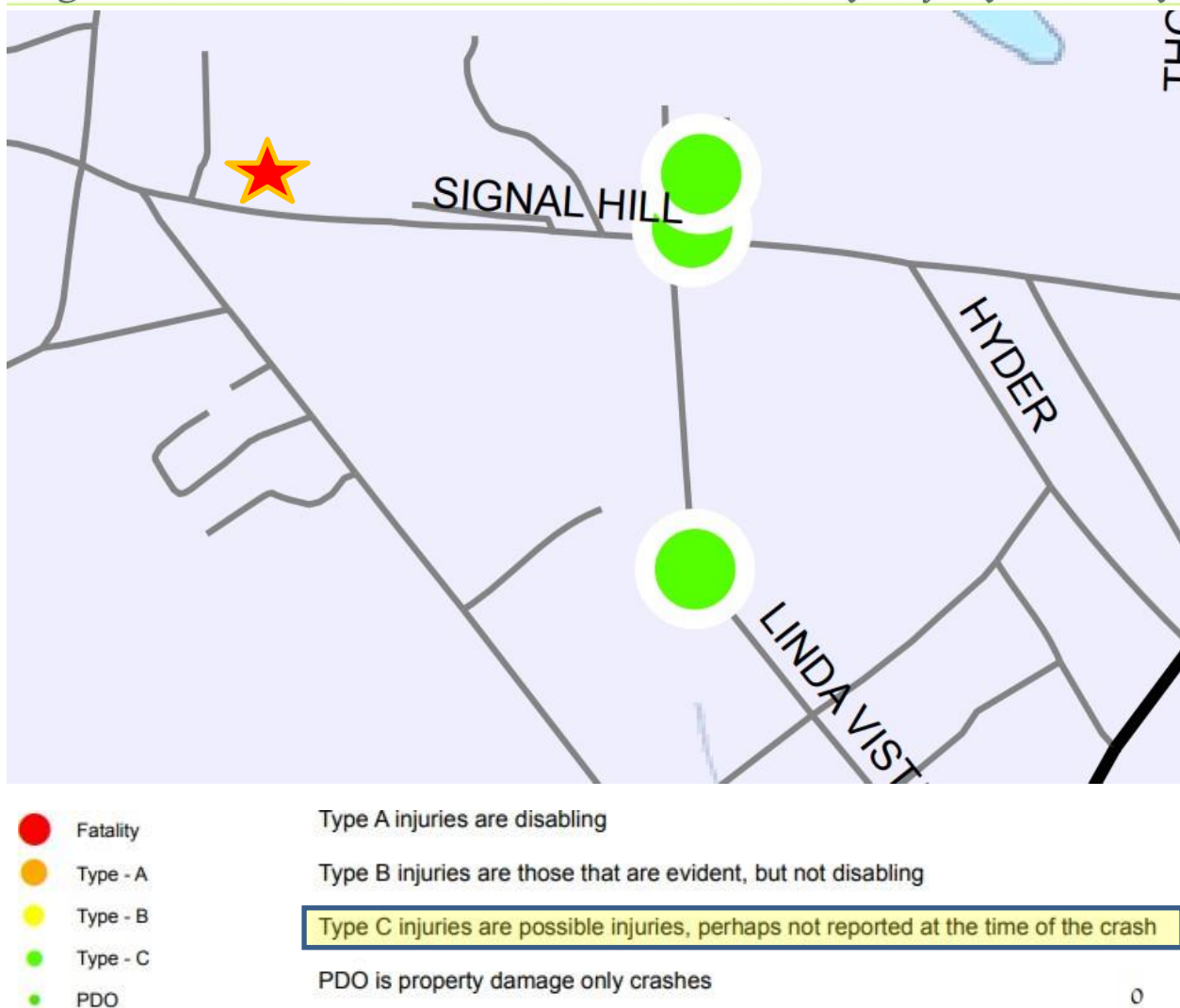
- Buffer Calculations
 - 60 Trees
 - 375 Evergreen Shrubs
 - 495 Flowering Shrubs
- The applicant is also proposing to preserve 19 trees for existing vegetation credits outlined in 15-4 of the zoning ordinance. They are also proposing to save 3 additional trees if at all possible. The tree survey is attached as Appendix G

Sidewalks - Section 6-12

Sidewalks will be provided along the project frontage on Signal Hill Road. This area is currently not served by adequate pedestrian infrastructure as you will see in the below map.



Hendersonville Comprehensive Pedestrian Plan
Figure 2.3 ~ Pedestrian Crash Locations by Injury Severity



Although the area highlighted in the map above is not directly where the proposed development is going. You can see that the need for proposer sidewalk infrastructure is there.

Zoning District Standards - Section 5-8-4 C-3CZD Highway Business Conditional Zoning District Classification

For Lots Containing Other Uses

Minimum Lot Area in Square Feet:	10,000
Lot Area per Dwelling Unit in Square Feet:	N/A
Minimum Lot Width at Building Line in Feet:	80
Minimum Yard Requirements in Feet: Front:	35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)
	Side: 15
	Rear: 20

Maximum Height in Feet:

48

Proposed Height- 30'

C-3 CZD, HIGHWAY BUSINESS CONDITIONAL ZONING DISTRICT COMPARED TO R-20 LOW DENSITY RESIDENTIAL

C-3 CZD

For Lots Containing Other Uses

Minimum Lot Area in Square Feet:	10,000
Lot Area per Dwelling Unit in Square Feet:	N/A
Minimum Lot Width at Building Line in Feet:	80
Minimum Yard Requirements in Feet: Front:	35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)
	Side: 15
	Rear: 20

Maximum Height in Feet:

48

R-20 5-2-3 Dimensional Requirements:

Minimum Lot Area in Square Feet:	20,000
Lot Area per Dwelling Unit in Square Feet:	20,000 for the first; 10,000 for the second unit for a two family dwelling.
Minimum Lot Width at Building Line in Feet:	100
Minimum Yard Requirements in Feet:	
Principal Structure	Front: 35 Side: 15 Rear: 20
Accessory Structures	Front: 35 Side: 10 Rear: 10
Maximum Height in Feet:	35

Proposed Height- 30'

Staff Report Recommendations

STAFF COMMENTS

In this section Planning Board members can find included recommended conditions for approval here, alongside references to supporting comprehensive plan and ordinance standards for Council's consideration. City Council may approve the rezoning request with or without conditions or deny the rezoning request.

Staff Recommended Rezoning Conditions: There is one staff suggested conditions for this project. The Planning Board can still recommend their own conditions. Those recommended conditions will be considered by City Council .

The following (1) conditions are suggested for consideration by staff.

- 1) *All exterior lighting associated with the project shall be in accordance with the International Dark Sky Association's recommendation.*

Due to this development being adjacent to low density residential and an exiting single-family home, staff feel that the usage of lighting recommended by the Dark Sky Association would be beneficial in this area.

Developer Proposed Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion and upon agreement by the parties involved.

- 1) *50% reduction in required buffer plantings for the yellow area shown in appendix H. The purple area will be planted at 100% of the buffer requirement.*

The developer is proposing the 50% reduction due to no structures going in this area, and if a structure were to be proposed then it would have to go back through the review process.

Tree Board Proposed Conditions: These conditions are included in the attached suggested motion. They can be included or removed at Council's discretion and upon agreement by the parties involved.

- 1) Tree Board did not meet prior to this staff report being sent out. Any proposed Tree Board Conditions will be provided prior to the Planning Board meeting.

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Neal Lechtner Mini Warehouses File # P21-08-CZD
Wednesday, February 10, 2021 2:00 p.m.

Tyler Morrow, Planner, convened the compatibility meeting at 2:00 pm in the Council Chambers of City Hall. Approximately two City staff were in attendance. The follow attended:

Name	Address	Name	Address
Matt Manley	staff		
Tyler Morrow	staff		

Mr. Morrow opened the meeting explaining this is the first step in a three-step process. He explained the conditional rezoning process adding anyone who received notice of this meeting would receive notice of the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Mr. Morrow said the project will go before the Planning Board and then move on to City Council for final approval. Mr. Morrow stated this meeting is for the neighbors to learn about the project and they should focus on the compatibility of the project in the neighborhood. This is a virtual meeting and Mr. Morrow explained the process and the steps to participate in the meeting. This is an informal meeting so state your name and address before making any comments as minutes of this meeting are being taken.

Mr. Morrow stated the property is currently zoned R-20, Low Density Residential and the proposed zoning is C-3 CZD, Highway Business Conditional Zoning District. This project is for a 38,030 sq. ft. building that will house 310 rental units. The rezoning application stated it would be 15,800 sq. ft. facility and house 246 rental units. This will be a four-story facility located on Signal Hill Road. This property is currently vacant and is located at the intersection of Signal Hill Road and Aiken Road.

Bronce Pesterfield with Pesterfield Engineering was on call representing the developer. He stated the purpose of the facility is to meet an unmet need in the community due to the development of new apartment buildings in the area. They plan to meet all requirements and feel this can be an asset to the area.

Mr. Morrow stated they will hear the live comments. He explained the raise hand feature and asked each person to state their name and address for the record.

Ken Fitch, 1046 Patton Street had concerns about the access to the development and felt this was not a safe access due to the limited site distance and the speeding on Signal Hill Road. He was also concerned about the building's height and size. The height and size of the building and the change in the elevation of the site will change the whole character of the neighborhood.

Mike Vann, Mountain Home stated he doesn't feel this facility is needed since Signal Hill Storage, a 500-unit facility has been approved and is being constructed at the corner of Signal Hill Road and Linda Vista Drive. He feels a second storage facility within one block is not in the best interest of the city and the demographics do not currently support the need for two storage facilities in such close proximity.

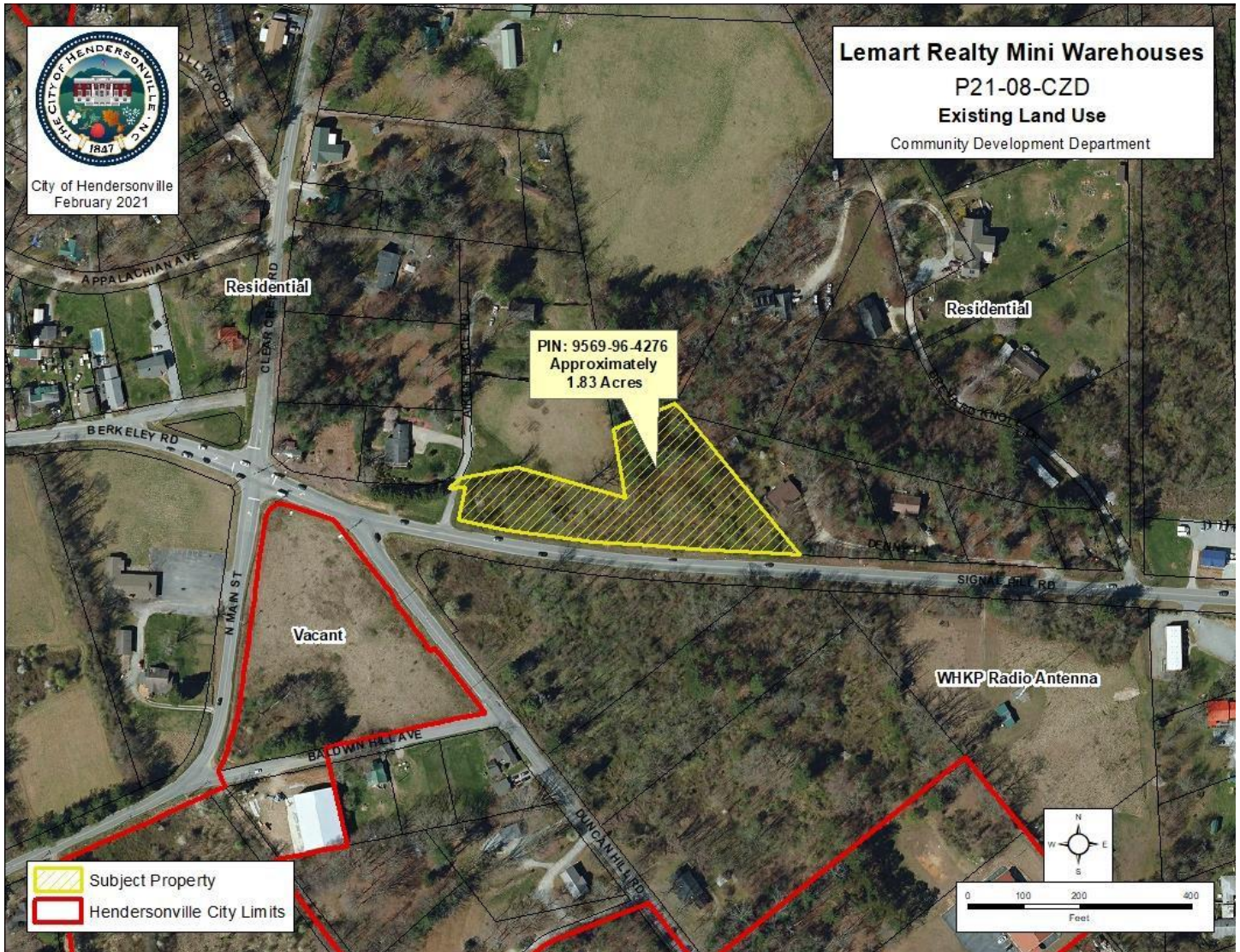
Mr. Morrow asked if anyone else would like to comment. No other comments were made.

Mr. Morrow stated this concludes the meeting. He stated the next step for this project is the Planning Board and everyone that got noticed will be noticed of the Planning Board meeting as well. The property will also be posted with the meeting information on the sign. This could go before the Planning Board in March.

With no further comments or questions, Mr. Morrow closed the meeting at 2:30 pm.

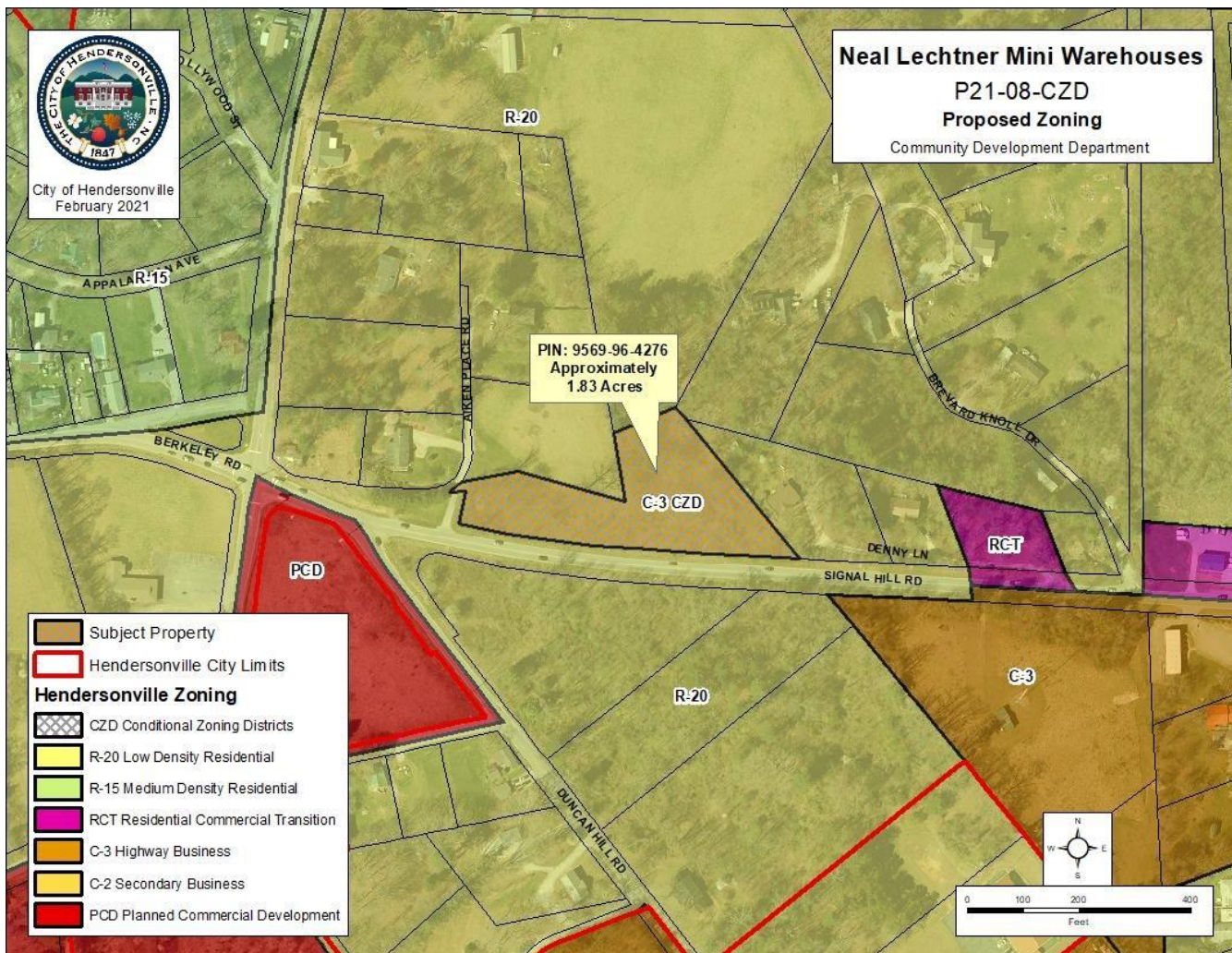
Appendix B

Existing Land Use Map



Appendix C

Proposed Zoning Map



Appendix D Site Photos

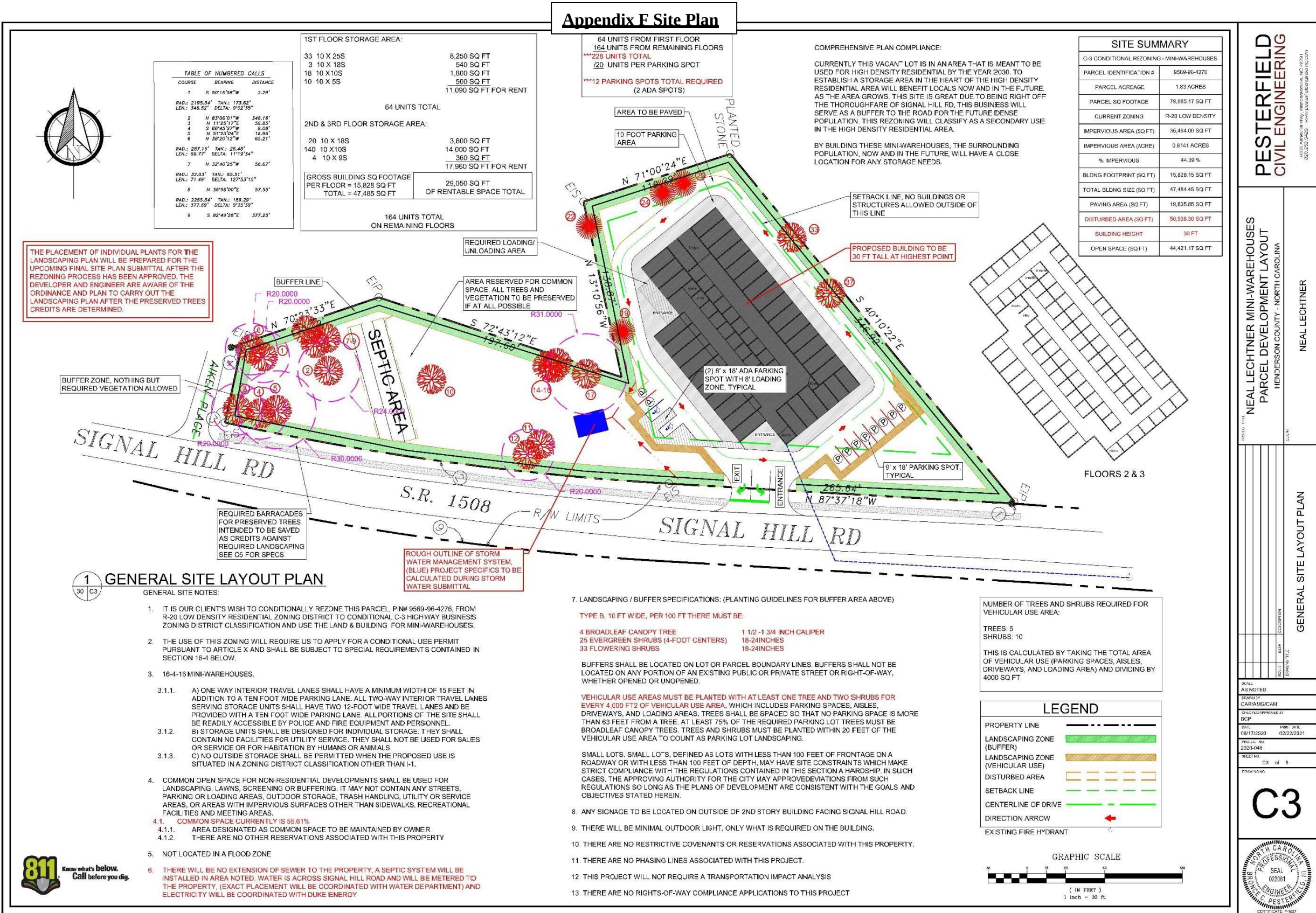


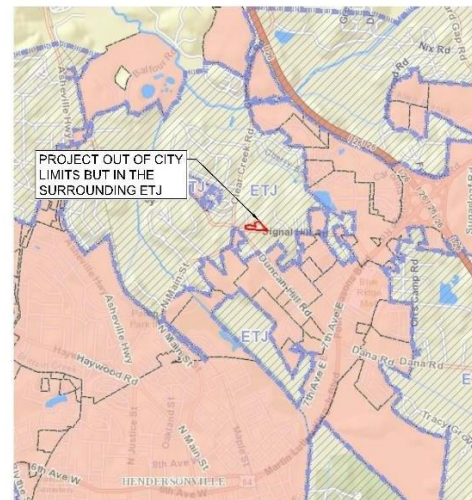


Appendix E

Existing Trees







CITY LIMITS
SCALE: NOT TO SCALE



C-3 BUSINESS - PROJECT
PARCEL IS UNDERGOING
REZONING PROCESS TO BE C-3

ZONING

SCALE: NOT TO SCALE

SECTION 5-8 C-3 HIGHWAY BUSINESS ZONING DISTRICT CLASSIFICATION

THIS ZONING DISTRICT CLASSIFICATION IS DESIGNED PRIMARILY TO ENCOURAGE THE DEVELOPMENT OF RECOGNIZABLE, ATTRACTIVE GROUPINGS OF FACILITIES TO SERVE PERSONS TRAVELING BY AUTOMOBILE AND LOCAL RESIDENTS. SINCE THESE AREAS ARE GENERALLY LOCATED ON THE MAJOR HIGHWAYS, THEY ARE SUBJECT TO THE PUBLIC VIEW. THEY SHOULD PROVIDE AN APPROPRIATE APPEARANCE, AMPLE PARKING, AND BE DESIGNED TO MINIMIZE TRAFFIC CONGESTION.

5-8-2 CONDITIONAL USES: THE FOLLOWING USES SHALL BE PERMITTED IN THE C-3 HIGHWAY BUSINESS ZONING DISTRICT CLASSIFICATION ONLY UPON ISSUANCE OF A CONDITIONAL USE PERMIT PURSUANT TO ARTICLE X AND SHALL BE SUBJECT TO SPECIAL REQUIREMENTS CONTAINED IN SECTION 16-4, BELOW:

- ANIMAL BOARDING FACILITIES
- BUS STATIONS
- CHILD CARE CENTERS
- CIVIC CLUBS & FRATERNAL ORGANIZATIONS
- MINI-WAREHOUSES
- PRIVATE CLUBS
- PUBLIC UTILITY FACILITIES

5-8-3DIMENSIONAL REQUIREMENTS:

FOR LOTS CONTAINING ONLY RESIDENTIAL USES:

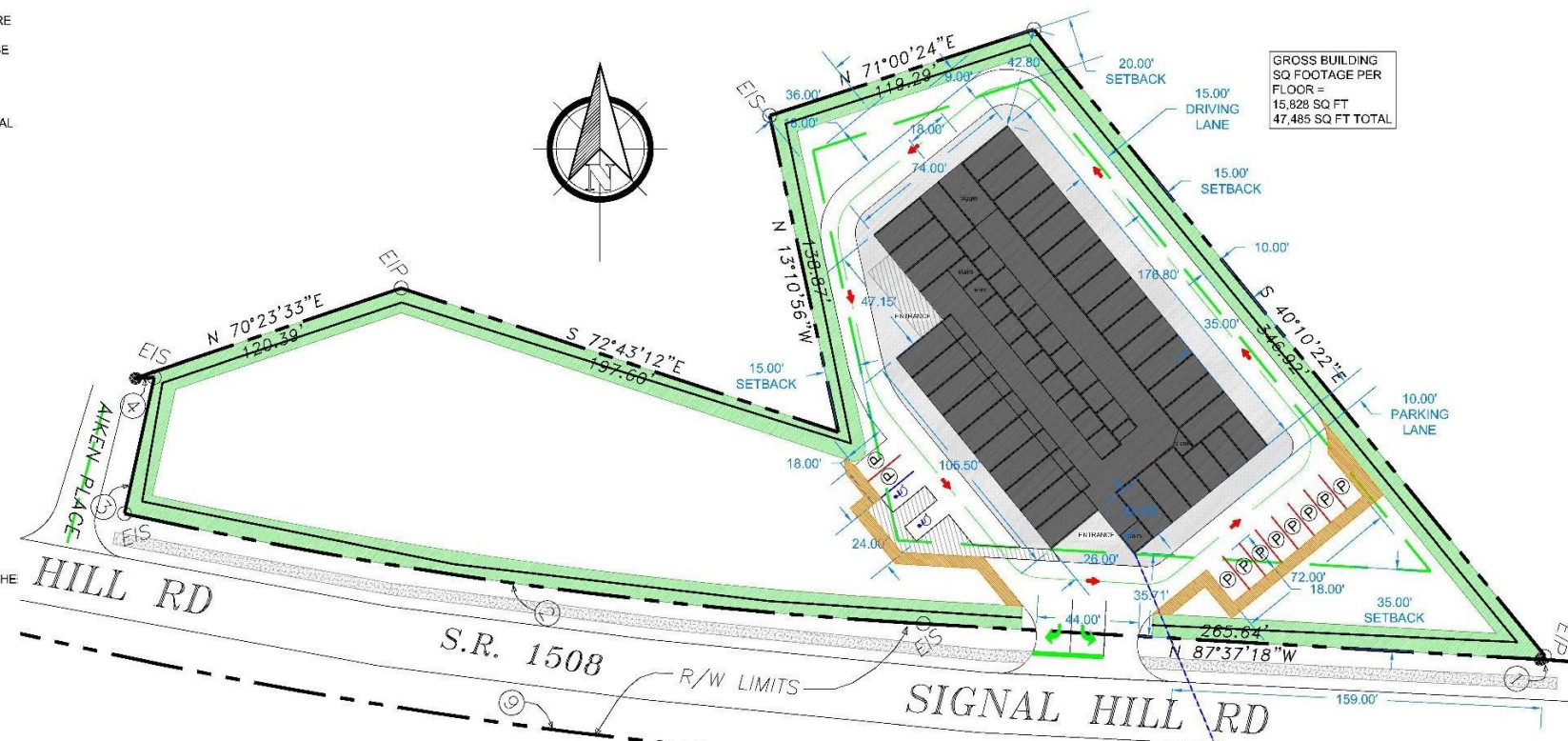
MINIMUM LOT AREA IN SQUARE FEET: 6,000
 LOT AREA PER DWELLING UNIT IN SQUARE FEET: 6,000 FOR THE FIRST;
 4,000 FT² FOR ONE ADDITIONAL DWELLING UNIT IN ANY ONE BUILDING.
 MINIMUM LOT WIDTH AT BUILDING LINE IN FEET: 50
 MINIMUM YARD REQUIREMENTS IN FEET:
 FRONT: 20
 SIDE: 8
 REAR: 10

MAXIMUM HEIGHT IN FEET:35

FOR LOTS CONTAINING OTHER USES:

MINIMUM LOT AREA IN SQUARE FEET: 10,000
LOT AREA PER DWELLING UNIT IN SQUARE FEET: N/A
MINIMUM LOT WIDTH AT BUILDING LINE IN FEET: 80
MINIMUM YARD REQUIREMENTS IN FEET:
FRONT: 35 (FRONT YARD REQUIREMENTS MAY BE REDUCED TO TEN FEET FOR AN
ACCESSORY CANOPY STRUCTURE FOR A COMMERCIAL BUILDING OR USE, PROVIDED THE
PRIMARY STRUCTURE OR USE CONFORMS TO THE ESTABLISHED SETBACK
REQUIREMENTS.)
SIDE: 15
REAR: 20
MAXIMUM HEIGHT IN FEET: 48

ZONING DISTRICT STANDARDS 3
C4



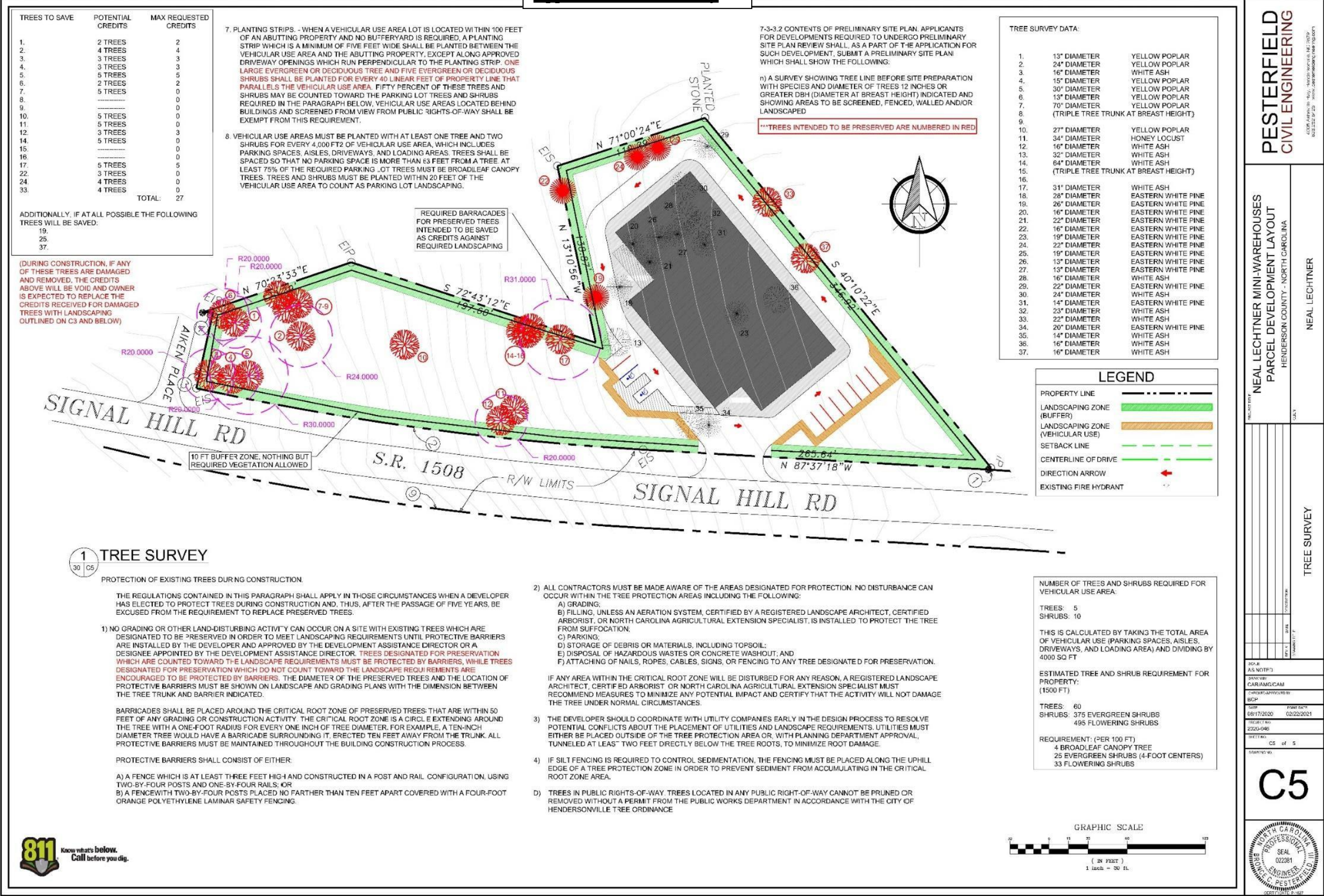
DIMENSIONS

SCALE: NOT TO SCALE

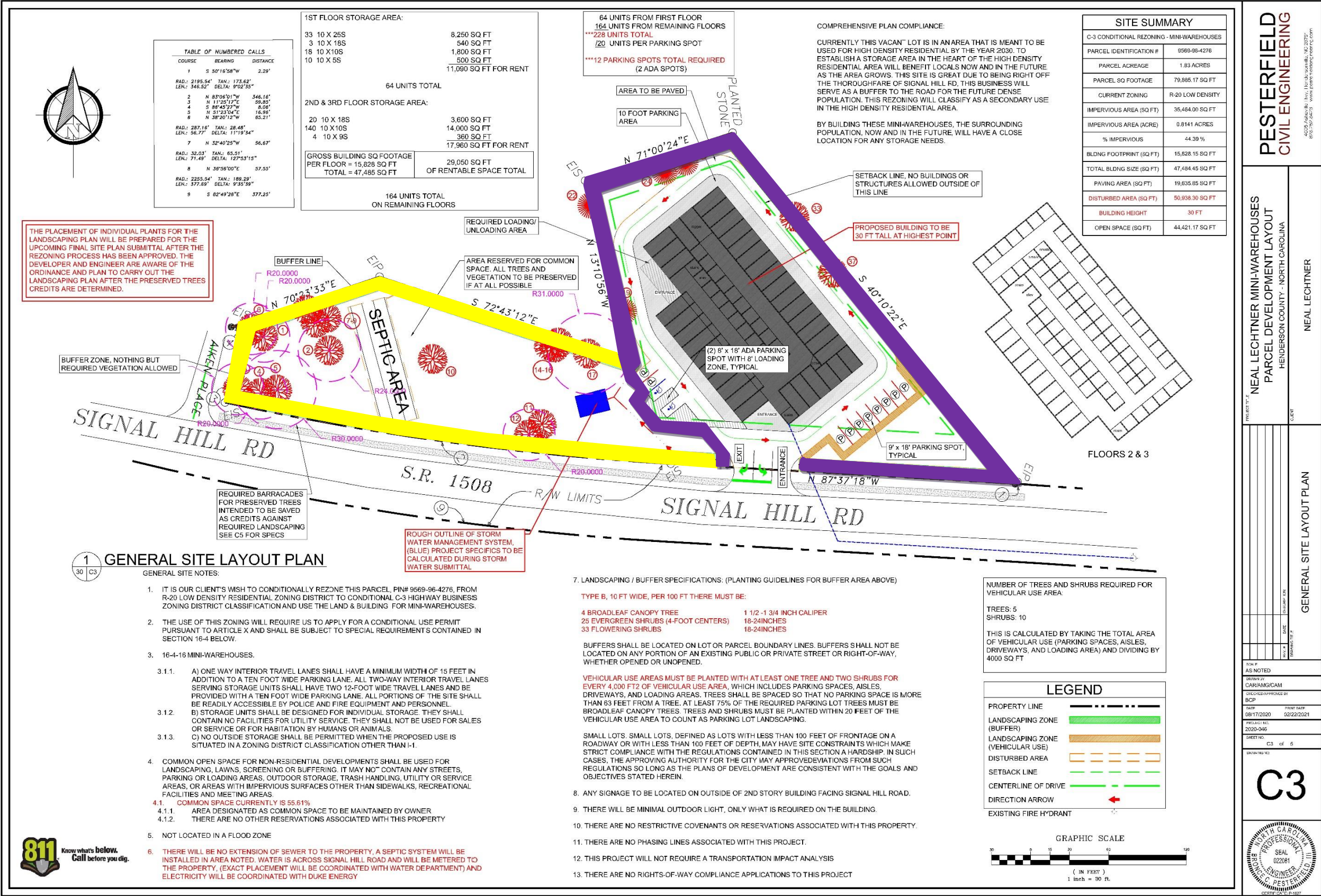
4
C4

PESTERFIELD CIVIL ENGINEERING /1000 Auden Rd Hwy 1 North Matthews, NC 27951 (813) 622-5423 info@pesterfield.com www.pesterfield.com nc04231					
PROJECT #		NEAL LECHTNER MINI-WAREHOUSES PARCEL DEVELOPMENT LAYOUT HENDERSON COUNTY - NORTH CAROLINA			
		CLIENT			
		NEAL LECHTNER			
		ADDITIONAL PROJECT INFORMATION			
SHEET NO.	C4	OF 5			
DRAWING NO.					

Appendix G- Tree Survey



Appendix H- Developer Proposed Condition (50% reduction for plantings in the red section)

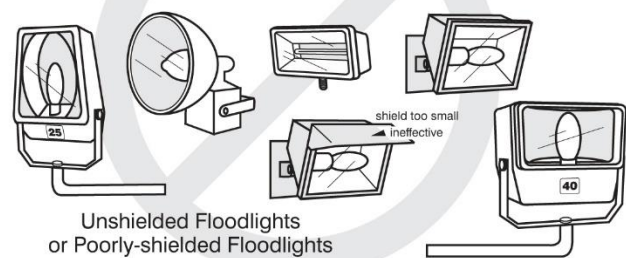


Suggested Lighting from the International Dark Sky Association:
<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>

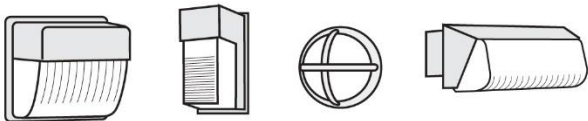
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

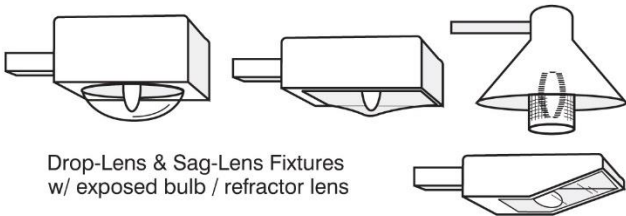
Fixtures that produce glare and light trespass



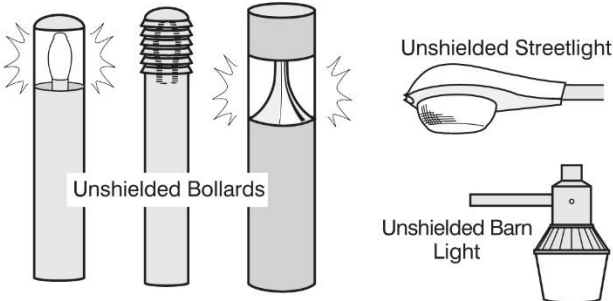
Unshielded Floodlights or Poorly-shielded Floodlights



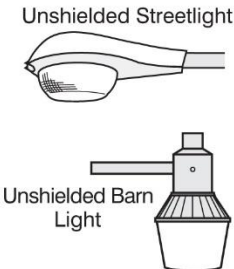
Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

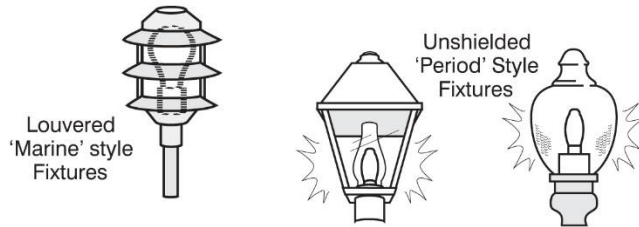


Unshielded Bollards



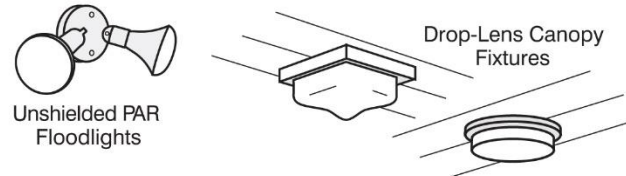
Unshielded Streetlight

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

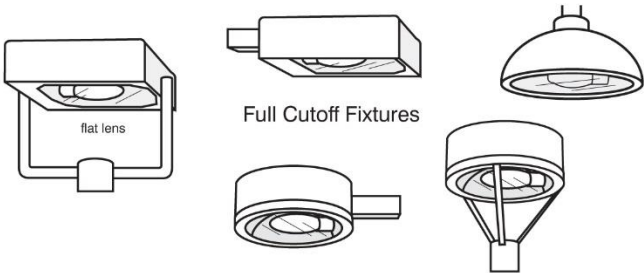


Unshielded PAR Floodlights

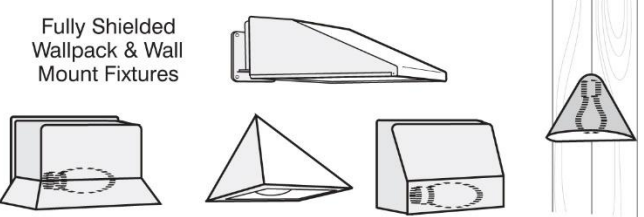
Drop-Lens Canopy Fixtures

Acceptable

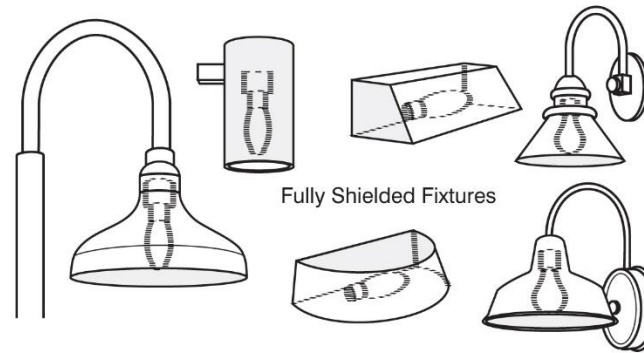
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



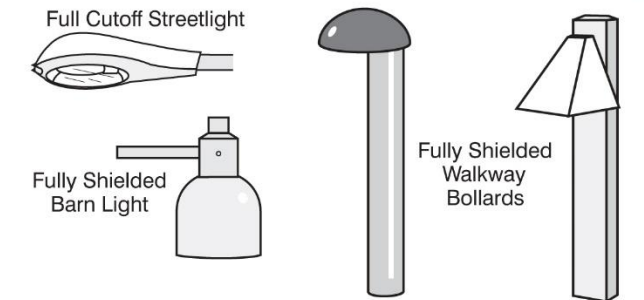
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



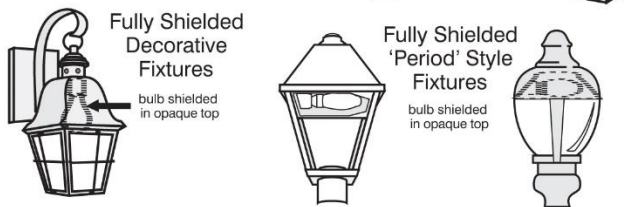
Fully Shielded Fixtures



Full Cutoff Streetlight

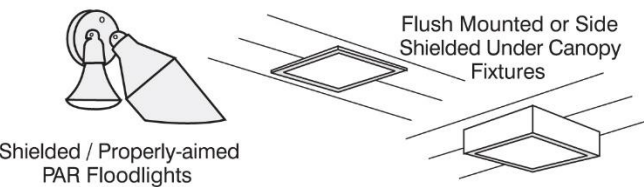
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

LIST OF USES & CONDITIONS:

Neal Lechtner Mini Warehouses Rezoning (File # P21-08-CZD)

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

- Mini Warehouses
- Offices

II. Conditions:

(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:

City Initiated Conditions:

1. N/A

Applicant Initiated Conditions:

1. N/A

(2) Shall Be Attached to the Conditional Rezoning:

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

With their signatures below, Applicant and Property owner indicate their consent to these conditions.

Applicant: Neal Lechtner

Property Owner: North Main Street
Properties Of Hendersonville, LLC

Signature:_____

Signature:_____

Printed Name:_____

Printed Named:_____

Date:_____

Date:_____

Title within LLC:_____

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9569-96-4276 BY CHANGING THE ZONING DESIGNATION FROM R-20 LOW DENSITY RESIDENTIAL TO C-3 CZD, HIGHWAY BUSINESS CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9569-96-4276 – Neal Lechtner Mini Warehouses Conditional Zoning District
(File # P21-08-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Neal Lechtner and North Main Street Properties of Hendersonville, LLC. for the development of a 3 story mini warehouse facility on approximately 1.83 acres., and

WHEREAS, the Planning Board took up this application at its regular meeting on March 8th, 2021; voting **6-0 to recommend** City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on April 1st, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:

Parcel number 9569-96-4276 from R-20 Low Density Residential to C-3 CZD, Highway Business Conditional Zoning District
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the list of uses and conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 1st, day of April 2021.

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

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE PLANNING BOARD AGENDA ITEM SUMMARY

SUBMITTER:	Matthew Manley	MEETING DATE: March 8 th , 2021
AGENDA SECTION:	Board Action	DEPARTMENT: Community Development
TITLE OF ITEM, Presenter Name, Title:	P21-09-RZO Cascades Annex Rezoning – <i>Matthew Manley, Planning Manager</i>	

SUGGESTED MOTION(S):

SUGGESTED MOTIONS – P21-09-RZO: Cascades Annex Rezoning

1. For Recommending Approval:

I move the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from C-3 (Highway Business District) to CHMU (Central Highway Mixed Use Zoning District) based on the application submitted by the applicant, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

2. For Recommending Denial:

I move the Planning Board recommend City Council not adopt an ordinance rezoning the subject property for the following reasons:

[PLEASE STATE REASONS; SEE STANDARDS BELOW THAT, PER SECTION 11-4 OF THE CITY ZONING ORDINANCE, SHALL BE CONSIDERED PRIOR TO ADOPTING OR DENYING A ZONING ORDINANCE AMENDMENT]

Zoning Ordinance Standards:

Comprehensive Plan consistency: whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and amendments thereto.

Compatibility with surrounding uses: whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Changed conditions: whether and the extent to which there are changed conditions, trends or facts that require an amendment.

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.

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.

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.

SUMMARY:

The City is in receipt of a standard Rezoning application from David Day and Day & Night, LLC. for a new potential use at, the “Cascades Annex” located at 0 Sugarloaf Rd (PIN # 9579551888) adjacent to 201 Sugarloaf Rd (The Cascades Mountain Resort hotel). The project involves a former motel building that is being sold with an anticipated desire for the use to change to multi-family apartments.

No development is proposed as part of this rezoning. No Concept Plan or Preliminary Site Plan is required as part of this process. The rezoning is requested due to a desire to expand the permitted uses of the property to include multi-family residential. C-3 Highway Business permits hotels, but it does not permit multi-family residential. CHMU Central Highway Mixed Use, on the other hand, permits both hotel and multi-family uses.

The property is listed for sale. At this point, the applicant is only anticipating that a future buyer of the property would want the flexibility to convert the structure to residential use. There are no specific plans at this time. At any point in the future, after the property is rezoned and if and when any new plans are put into motion, a zoning permit would be needed to implement the change of use. Any zoning

requirements and development standards (minimum parking, landscaping, screening requirements, etc.) would become applicable at that time and would be reviewed as part of the application process. In other words, those requirements do not have to be met at this time as part of a standard rezoning process but will be applied in the future should a change of use or development trigger them. The new zoning district (CHMU) has higher standards of development than the current zoning (C-3). Any future development would be required to meet these higher standards.

PROJECT/PETITION NUMBER:	P21-09-RZO
PETITIONER NAME:	David Day
	Day & Night, LLC

ATTACHMENTS:

Planning Board Staff Report

City Council Draft Ordinance

Community Development Staff Report

TO: Planning Board

FROM: Community Development Department - Planning Division

RE: Rezoning – from C-3 (Highway Business Zoning) District to CHMU (Central Highway Mixed-Use Zoning District) for The Cascades Annex by Day & Night, LLC.

FILE #: P21-09-Z

DATE: March 8, 2021

PROJECT DESCRIPTION

The City is in receipt of a standard Rezoning application from David Day and Day & Night, LLC. for a new potential use at, the “Cascades Annex” located at 0 Sugarloaf Rd (PIN # 9579551888) adjacent to 201 Sugarloaf Rd (The Cascades Mountain Resort hotel). The project involves a former motel building that is being sold with an anticipated desire for the use to change to multi-family apartments.

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SUMMARY ANALYSIS

The primary distinction between the proposed zoning district (CHMU) and the current zoning district (C-3) is an expanded residential component that reflects a “mixed use” character and the increased development standards of the CHMU. Many of the same commercial uses are permitted in both districts. However, a range of residential-oriented uses, including Multi-Family, are permitted in the CHMU but not permitted in the C-3.

PROCESS GUIDELINES

In reviewing a rezoning request, staff, the Planning Board and City Council are tasked with reviewing the project to determine how it fits into our community based on our guiding planning documents. The specific categories of review are identified in Section 11-4 of the *City's Zoning Ordinance*, which highlights that the following factors shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map. Additionally, the **2030 Comprehensive Plan** provides guidance on the review of zoning changes.

Zoning Code Section 11-4:

1. **Comprehensive Plan consistency.**
Consistency with the Comprehensive Plan and amendments thereto.
2. **Compatibility with surrounding uses.**
Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
3. **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
4. **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.
5. **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.
6. **Effect on natural environment.** Whether and the extent to which the proposed amendment

Figure 8.3a: Zone Change Review Criteria

In addition to determining whether a zone change application demonstrates a clear public purpose, the City should consider the criteria listed below. These criteria help to ensure that zone changes will promote the health, safety and general welfare of the public.

1. Consistency with the Goal, Recommended Land Uses, and Development Guidelines of the applicable Future Land Use Plan category
2. Consistency with all other applicable Goals of the Comprehensive Plan
3. Compatibility between the requested use or zoning district and the prevailing uses in the surrounding area
4. Whether the requested use or zoning district benefits the surrounding neighborhood and general public or a small area and only one or a few landowners
5. Whether the design of the requested use (or available design standards and guidelines associated with the requested zoning district) mitigate potential conflicts between uses
6. Potential impacts on environmentally sensitive areas (if applicable)
7. Potential impacts on agricultural resources (if applicable)
8. Potential impacts on certified historical properties and historic districts (if applicable)
9. Potential impacts on area access and traffic patterns
10. Adequacy of public services and facilities for water supply, wastewater treatment, fire and police protection, and transportation to support the requested use or zoning district
11. Adequacy of public parks, recreation and educational facilities to support the requested use or zoning district

Rezoning Request Context Analysis

COMPREHENSIVE PLAN CONSISTENCY

LAND USE & DEVELOPMENT (CHAPTER 8):

The subject property is classified as **Regional Activity Center** on the 2030 *Comprehensive Plan's Future Land Use Map (FLUM)*. The rezoning site is included in a Priority Infill Area and is located just south of an identified Activity Node. A site-specific section of the *FLUM* (Appendix B) is included in this staff report.

The *FLUM* designates all adjacent parcels as **Regional Activity Center** as well. Beginning one parcel over to the east the area becomes designated as **Business Center**. The goal of the **Regional Activity Center** classification is outlined below with specific relevant sections highlighted:

Goal LU-9.

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



Strategy LU-9.1.

Locations:

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

- **Priority Infill Areas (beige):** Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties



Example of a Regional Activity Center

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

- Provision of pedestrian connections to parking and other buildings and properties

Strategy LU-9.3.

Secondary recommended land uses:

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

Activity Nodes:

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

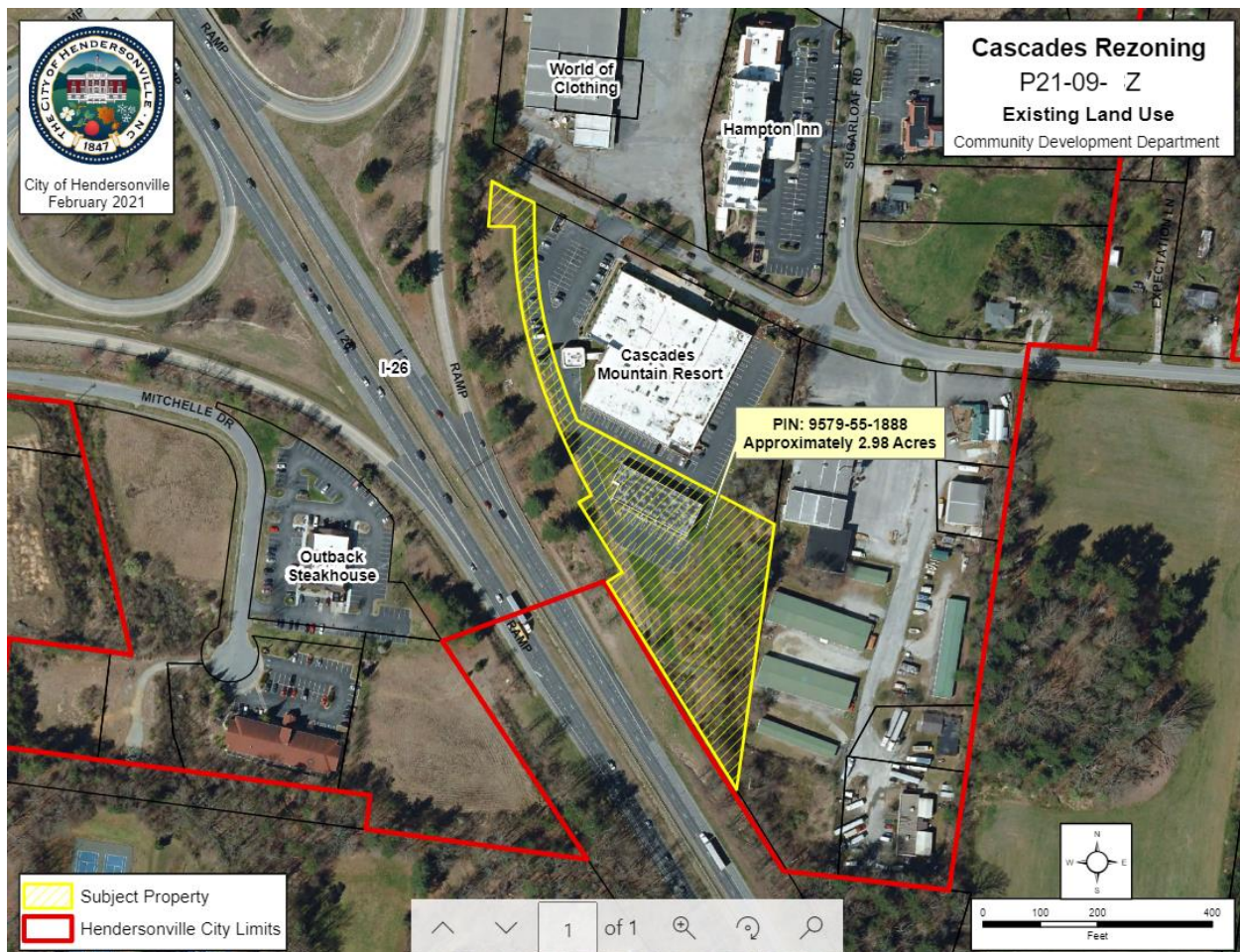
Strategy LU-9.4.

Development guidelines:

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

SURROUNDING LAND USE – COMPATIBILITY & ZONING

There is 1 parcel associated with this proposed rezoning. The subject parcel is developed and was originally constructed as a motel in conjunction with the neighboring Cascades Hotel. The property was subdivided from the parent parcel in July of 2018. As stated, what is now an adjacent parcel to the north, is the home of The Cascades Mountain Resort hotel (not included as part of this rezoning request). The other key land use factor related to this rezoning is that the site is bordered by the I-26 Interstate right-of-way and is located within close proximity to the I-26/Four Seasons Blvd/Chimney Rock Rd interchange. Other surrounding land uses include wholesale businesses, mini-warehousing and additional hotels. The surrounding land uses and zoning districts are shown on the “Existing Land Use Map” (below) and “Current Zoning Map” (Appendix C).



SITE PLAN REVIEW (TECHNICAL INPUT / ZONING CODE)

No site plan is associated with this development. The information below is intended to give a snapshot of the development standards for the CHMU zoning district and how it might apply to this site. This information is provided in lieu of a site plan review. The Development Review Committee did not review this rezoning request. Any technical requirements related to engineering, transportation, stormwater, utilities, etc. will be reviewed at the time of submittal of a zoning permit or other development application.

Existing Buildings

- 16,129 Sq Ft Building (1966 motel enclosed and converted to hotel)

Lot Size

- 2.98 Acres

Project Summary

- Existing building currently vacant / used for storage
- No new construction proposed
- Change of zoning will allow for additional use (multi-family likely)

Zoning District Standards for Section 5-27 – CHMU (Central Highway Mixed Use)

- Intent: The stated intent of the CHMU is to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses. Development design becomes a critical consideration when establishing regional activity centers that create attractive and functional roadway corridors which also encourage mixed-use and walkable design. In addition to the general dimensional and use provisions, the regulations contained herein, along with those in Article XVIII which apply to mixed use zoning district classifications generally, address the design of buildings and development sites.
- Uses:
 - CHMU allows for the physical integration of both commercial and residential uses on a single site.
 - Commercial Uses in the CHMU are similar to other highway commercial districts with the exception of some of higher intensity commercial uses.
 - The “mixed use” component of the CHMU is reflected in the inclusion of permitted uses such as: Adult Care Homes, Child Care Homes, Day Care Centers, Agriculture, Camps, and Multi-Family Residential.
- General Development Standards:
 - Density:
 - The permitted residential density of the CHMU varies depending on

the amount of Open Space

- The current configuration of this parcel has 1.76 acres of Open Space which equates to 60% of the parcel.
- This current configuration of 60% Open Space would allow for the maximum density of 12/units per acre.
- Setbacks
 - Vary depending on building type
- Common Space: The zoning district has very clear standards intending to create usable open space that support high quality experiences for pedestrian workers, shoppers, and residents to safely and comfortably gather, browse, sit, interact, or congregate. Standards are made for the size of common space, planting of trees, provision of seating, undergrounding of utilities and other amenities such as: fountains, public art, information kiosks, etc.
- Building Orientation: Buildings must orient roadways or public spaces.
- Architectural Details: At least 3 architectural features such as dormers, gables, eaves, etc. (13 features listed) must be provided on facades that are visible from the roadway.
- Building Facades: At least two contrasting materials must be used. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block. Certain materials are also prohibited from being used
- Windows: Must be recessed or trimmed
- Building Scale: Detailed provisions are in place for building offsets for both residential and non-residential uses.
- Residential Development Standards:
 - Residential development shall contain a variation of façades and materials so that there shall not be a row or strip housing appearance. Means to accomplish this goal may include the use of dormers, gables, recessed entries, covered porch entries, bay windows, cupolas or towers, and a variation in the depth and height of walls, among others.
 - Architectural Standards:
 - Useable Porches
 - Garage recessed or oriented away from the street
 - Accessory structures over 150 Sq Ft use same cladding as primary structure

- Front fences and walls shall be decorative and no more than 4’.
- Configurations:
 - Gabled, hipped or clerestory roofs with 5:12 to 12:12 pitches required
 - Foundations must be brick, stone, or stucco
- General Standards for Non-Residential / Multi-Family:
 - Screening required for mechanical, storage, garbage, etc.
 - Standards for screening included
 - Parking/Vehicular Use to be setback 20’ and screened
 - Encroachments permitted for stoops, chimneys, balconies and bay windows up to 5’.
 - Parapets and cornices required for buildings with flat roofs
- General Standards for Single-Family, Two-Family and Townhouses:
 - Not included in this report as unlikely to be pursued as any adaptive reuse of the existing building.
- Specific Standards for Multi-Family:
 - Setbacks:
 - Front: 10’
 - Side: 15’ + 5’ for each floor above 2 story
 - Rear: 15’ + 5’ for each floor above 2 story
 - Parking:
 - Side or Rear only + screened from view
 - Vehicular Access:
 - Developments will be serviced by alleys or rear lanes. No driveways along the front except when accessed by a private street or drive.
 - Height: 4-Stories
 - Accessory Structure Setbacks: Side or Rear only - 0’

Parking Requirements - Table 6-5

- 1 space per dwelling unit or 1.5 space per dwelling unit over 3 bedrooms

Traffic Impact Analysis - Section 6-18

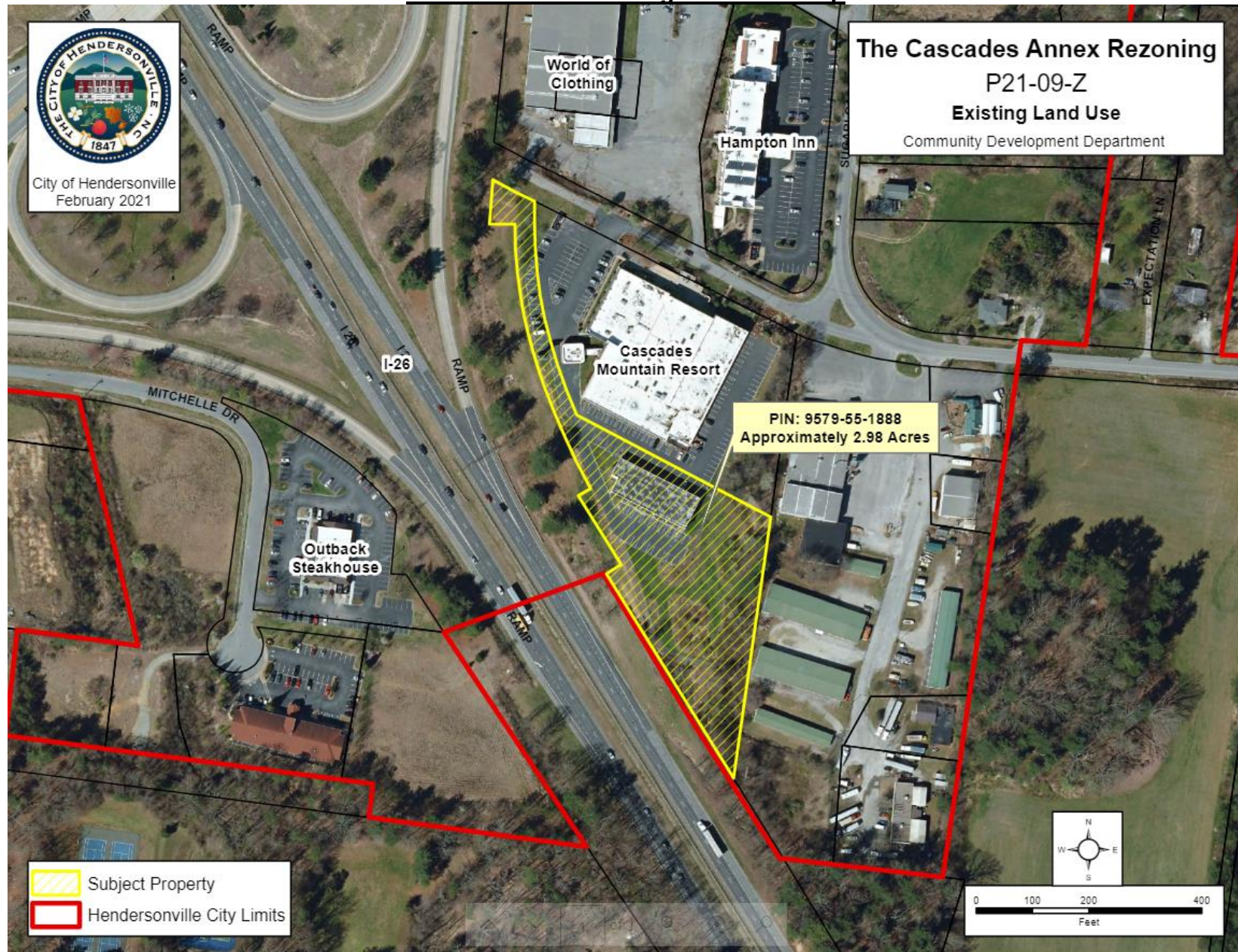
- TBD

Entrance/Exit

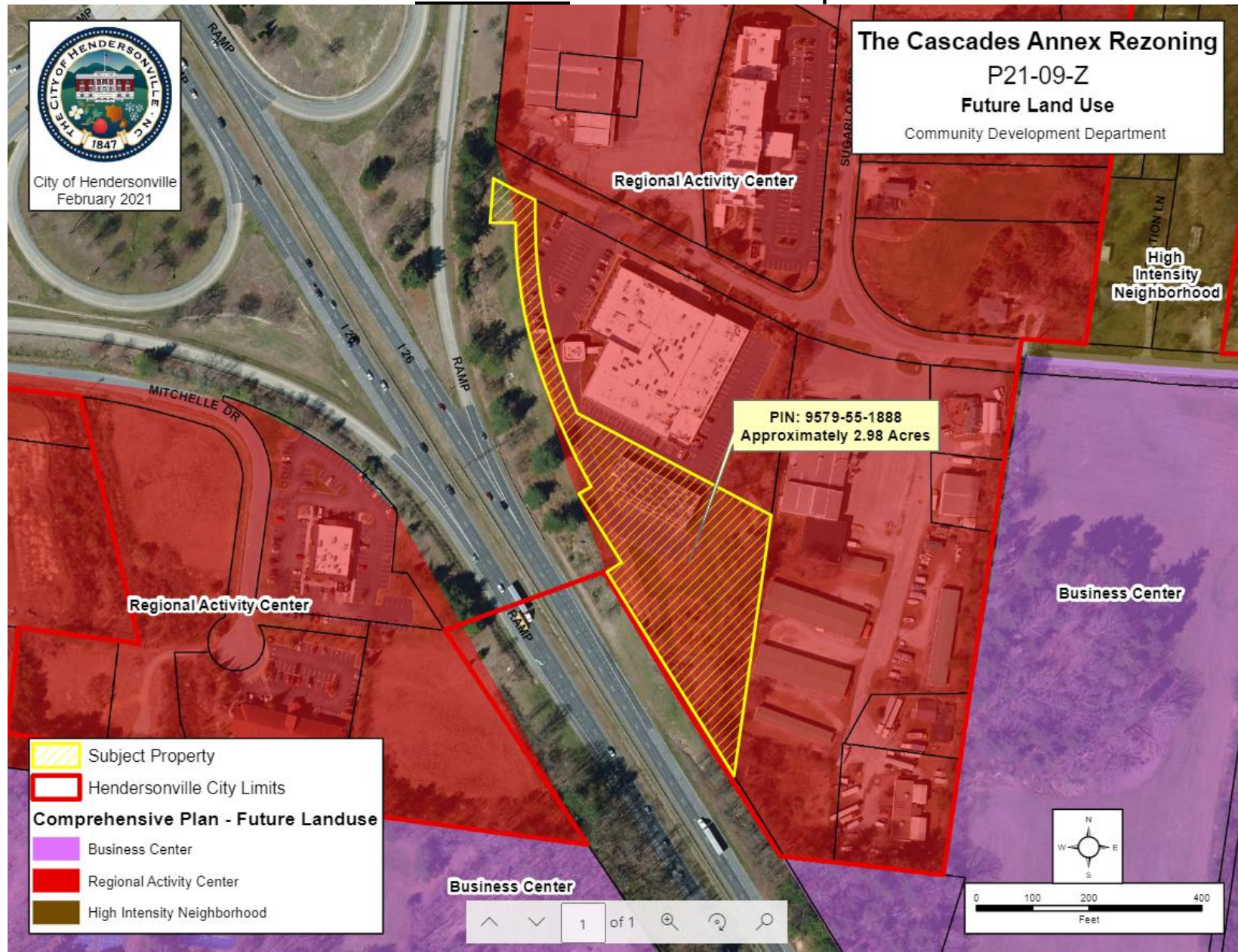
PLANNING BOARD
0 N JUSTICE/BROWN ST/9TH AVE – PARDEE ENTRANCE / BROWN STREET PARKING LOT
FEBRUARY 8, 2021
PAGE 8

- Access to the project site will be through the Cascades Mountain Resort parking lot via a shared access easement or a private drive will be developed along the parcel stem.

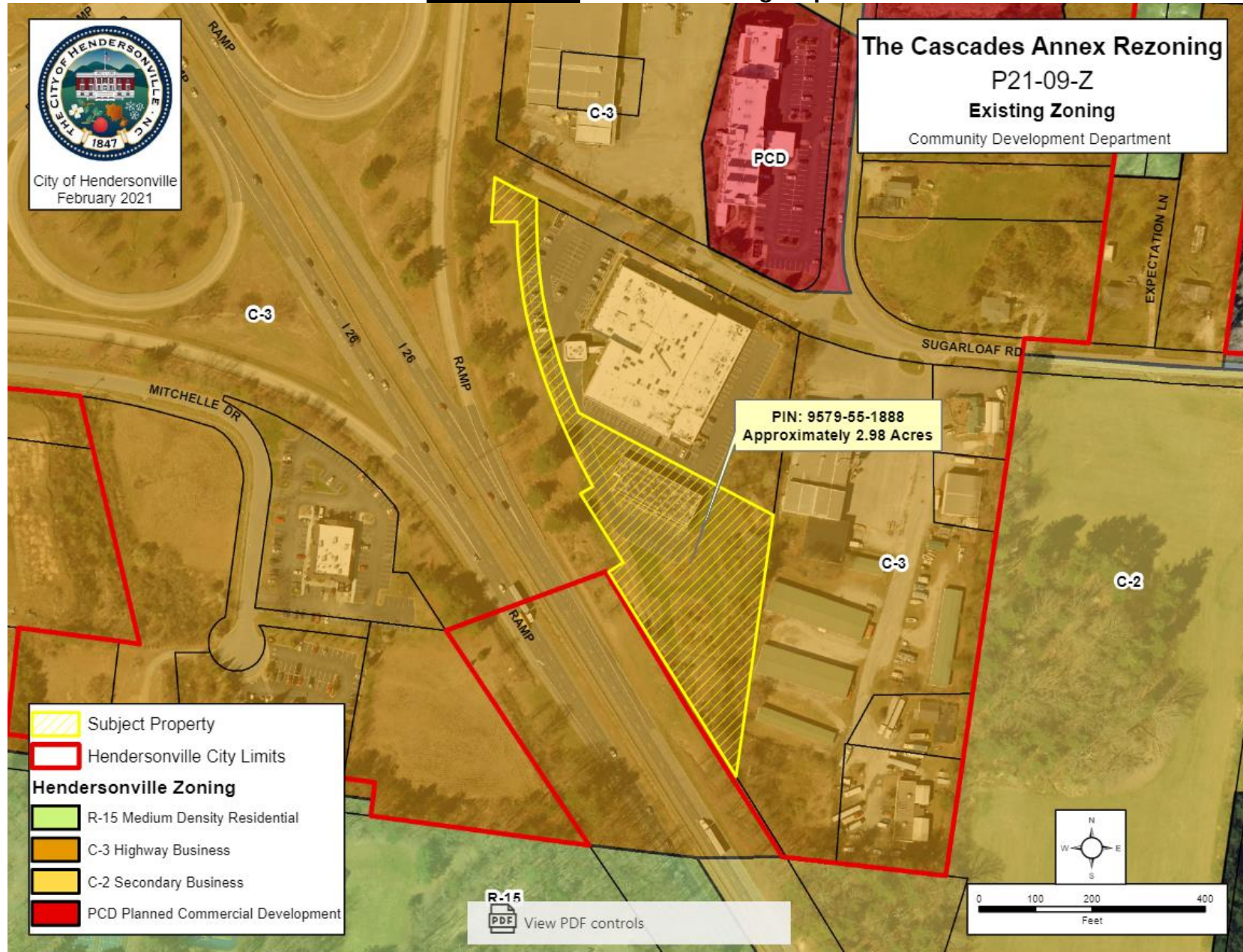
APPENDIX A – Existing Land Use Map



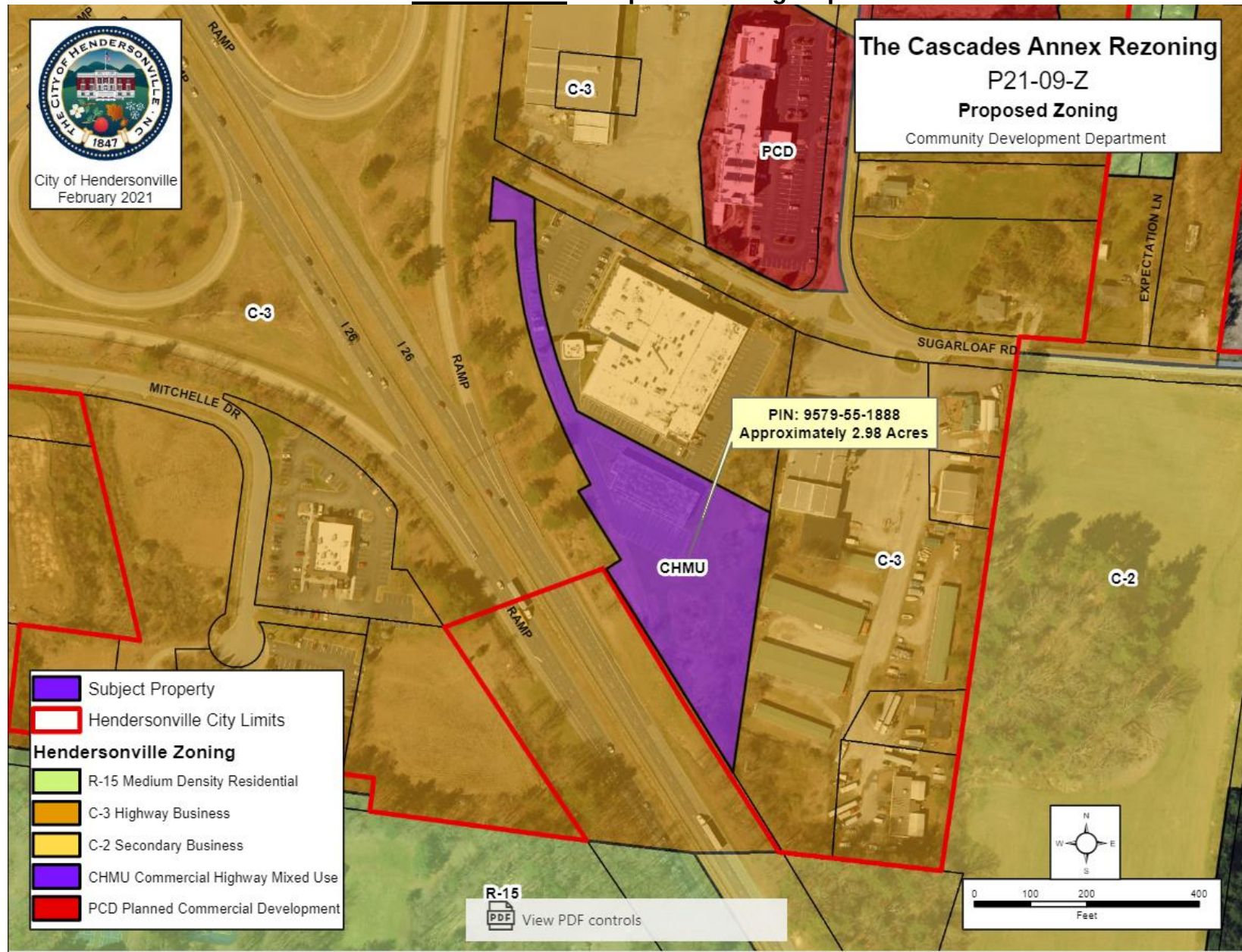
APPENDIX B – Future Land Use Map



APPENDIX C – Current Zoning Map



APPENDIX D – Proposed Zoning Map



[illegible]

Ordinance #____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS OF THE DAY & NIGHT, LLC. (PIN# 9579551888) BY CHANGING THE ZONING DESIGNATION FROM C-3 (HIGHWAY BUSINESS DISTRICT) TO CHMU (CENTRAL HIGHWAY MIXED USE ZONING DISTRICT)

IN RE: 1015 Berkeley Rd (PIN 9569487639)
(File # P21-07-CZD)

WHEREAS, the City is in receipt of a Rezoning application from Day & Night, LLC.

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

WHEREAS, City Council took up this application at its regular meeting on April 1st, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:
Parcel 9579-55-1888 from C-3 (Highway Business District) to CHMU
(Central Highway Mixed Use Zoning District)
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this _th, day of April 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

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

Witness my hand and notarial seal, this _____ day of _____, 2021.

My commission expires:

Amy H. Knight