

## **AGENDA**

### **CITY OF HENDERSONVILLE PLANNING BOARD MEETING**

**City Operations Center  
305 Williams Street  
Monday October 10, 2016  
4:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Approval of Minutes for the meeting of September 12, 2016**
- IV. Special Use Amendment – Application from Atha Plaza, Inc. for the Sugarloaf Commercial Center located on the northwest corner of Sugarloaf Road and Waddell Drive to construct an additional 3,150 square foot commercial building on the property. (File #P16-25-SUR).**
- V. Staff Comments**
- VI. Adjournment**

## MEMORANDUM

**TO:** Planning Board

**FROM:** David T. Hazzard

**RE:** Sugarloaf Commercial Center

**FILE #:** P16-24-SUR

**DATE:** September 30, 2016

### PROJECT DESCRIPTION

The City is in receipt of an application to amend a Special Use Permit from Atha Plaza Inc. to construct a 3,150 ft<sup>2</sup> building within the existing Sugarloaf Commercial Center complex. This complex is on parcel 9579-86-0329 located on the corner of Sugarloaf Road and Waddell Drive. This project was previously approved by City Council at their regular meeting on January 4, 2001. The applicant has made the following modifications to the approved Preliminary Site Plan:

- Added a proposed 3,150 ft<sup>2</sup> building within the existing Sugarloaf Commercial Center complex.

Generally, minor modifications to approved Preliminary Site Plans are only subject to staff review and approval. Section 7-6-3 of the Zoning Ordinance does not allow staff to approve substantial changes in previously approved structures. An additional structure is being proposed therefore, an amended Special Use Permit approved by City Council is required.

### EXISTING LAND USES & ZONING

The existing Sugarloaf Commercial Center complex is on parcel 9579-86-0329 and is approximately 4.91 acres. This complex has 5 existing buildings with a mix of uses that include: commercial, retail, and office uses. There are 127 existing parking spaces. This project is in the County and is located in the City's ETJ Extraterritorial Jurisdiction. The existing zoning classifications for this parcel is C2SU Secondary Business Special Use and is shown on the Zoning Map on page 9.

Surrounding land uses can be seen in the aerial view map on page 8. To the north and west of this parcel are single family residential uses and are zoned R-15 Medium Density Residential. To the south is Sugarloaf Road and single family residential uses and are zoned R-15 Medium Density Residential. To the west is Waddell Drive and a single family residential use and is zoned C-4 Neighborhood Commercial.

## **COMPREHENSIVE PLAN CONSISTENCY**

This parcel and adjacent parcels to the north and west are classified as High Intensity Neighborhood. The parcels to the south and east of this parcel are classified as Business Center on the 2030 Comprehensive Plan's Future Land Use Map.

The goal of the High Intensity Neighborhood 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. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods."

The goal of the Business Center classification is to "Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities."

Comprehensive Plan consistency is addressed under "E" on page 3. The Comprehensive Plan Future Land Use Map is located on page 9.

## **PLAN REVIEW**

### **General**

The approximately 4.91 acre site currently has five buildings and associated parking. The applicant is proposing to add one additional 3,150 sf building. The exact use of proposed building is to be determined however the use shall be one that is included in the list of uses. The site plan is included with this memorandum on page 10.

### **Parking**

The site plan shows 127 existing parking spaces. As per the "Building Usage Summary" on the preliminary site plan and Table 6-5-2 a minimum of 119 spaces are required.

### **Sidewalks**

It appears the original applicant was granted a variance excusing the applicant from constructing a sidewalk along Waddell Drive and was required to make a payment in lieu of constructing a sidewalk along Sugarloaf Road by City Council at their regular meeting on January 4, 2001.

### **Stormwater**

Because this is an addition of one 3,150 sf building to an existing developed site this project does not require an approved stormwater management plan.

### **Landscaping**

Because this is an addition of one building to an existing developed site and no new pavement is proposed, this project is not required to add landscaping.

### **ANALYSIS**

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made”:

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

**Staff has not identified any issues relating to public health, safety, or general welfare.**

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

**The property is currently served by water and has onsite septic systems. The applicant will be required to receive approval from the County Health Department for the proposed building septic system. This has been added to the list of conditions.**

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

**The applicant is not requesting any variances.**

- (D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

**A neighborhood compatibility meeting concerning the application was held on September 26, 2016. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property.**

**2 members of the general public attended the meeting. The general public had no questions.**

**A copy of the neighborhood compatibility report accompanies this memorandum on page 7.**

- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

**The 2030 Comprehensive Plan’s High Intensity Neighborhood category is intended 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. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.”**

**The 2008 Comprehensive Transportation Plan has the following recommendations:**

**C30 Sugarloaf Road (SR 1541) Add turn lanes, widen shoulders and improve geometrics and intersection operations as appropriate.**

**Special Use Permit**

**Recommend Approval:**

I move the Planning Board to recommend City Council approve the application for the Sugarloaf Commercial Center for an Amended Special Use Permit 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.

**[PLEASE STATE YOUR REASONS]**

**Recommend Denial:**

I move the Planning Board to recommend City Council not approve the application for the Sugarloaf Commercial Center for issuance of a Special Use Permit.

**[PLEASE STATE YOUR REASONS]**

**IN RE: Sugarloaf Commercial Center (File # P16-24-SUR)**

## **List of Uses & Conditions**

### **I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Accessory uses & structures, customary, when located on the same lot as the main structure, excluding open storage
- Automobile service establishments
- Business service
- Construction trades facilities so long as they are contained within an enclosed building
- Dance and fitness facilities
- Farm equipment sales and service
- Music and art studios
- Neighborhood community centers
- Offices, business, professional and public
- Personal services
- Printing establishment
- Public & semi-public buildings
- Religious institutions
- Repair services, miscellaneous
- Retail stores so long as the use contains no outdoor storage
- School, business, technical and vocational
- Signs, subject to the provisions of Article XIII
- Telecommunication antennas, subject to special requirements contained in Section 16-4
- Wholesale businesses
- Child Care centers
- Light manufacturing

### **II. Conditions:**

- (1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:**

Approval from the County Health Department for the proposed building's septic system.

**(2) Shall Be Attached to the Special Use Permit:**

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 Zoning Ordinance.

Atha Plaza Inc.

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

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

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

Planning Director's Report  
Neighborhood Compatibility Meeting  
Application for a Special Use Permit Amendment  
Sugarloaf Commercial Center  
Monday, September 26, 2016 2:00 p.m.

Dave Hazzard, Senior Planner, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Center. The following were in attendance:

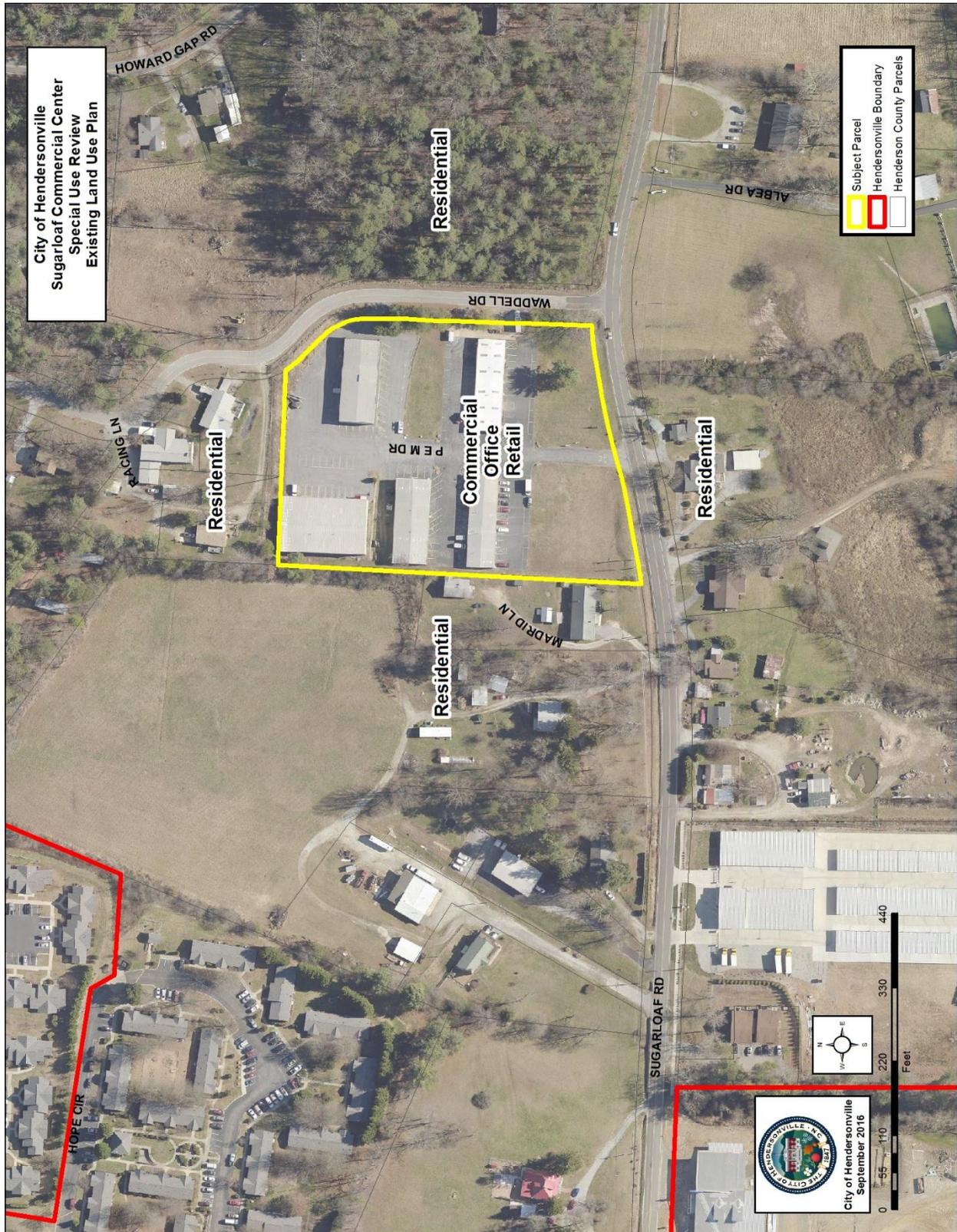
<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Larry Baber (applicant)	17 Wren Glen Ct.		
James Bishop	Hendersonville, NC		
Wayne Bishop	Hendersonville, NC		
Lorraine Sellers	Hendersonville, NC		
Larry Rogers	Hendersonville, NC		
Dave Hazzard (staff)	100 N. King Street		
Terri Swann (staff)	100 N. King Street		

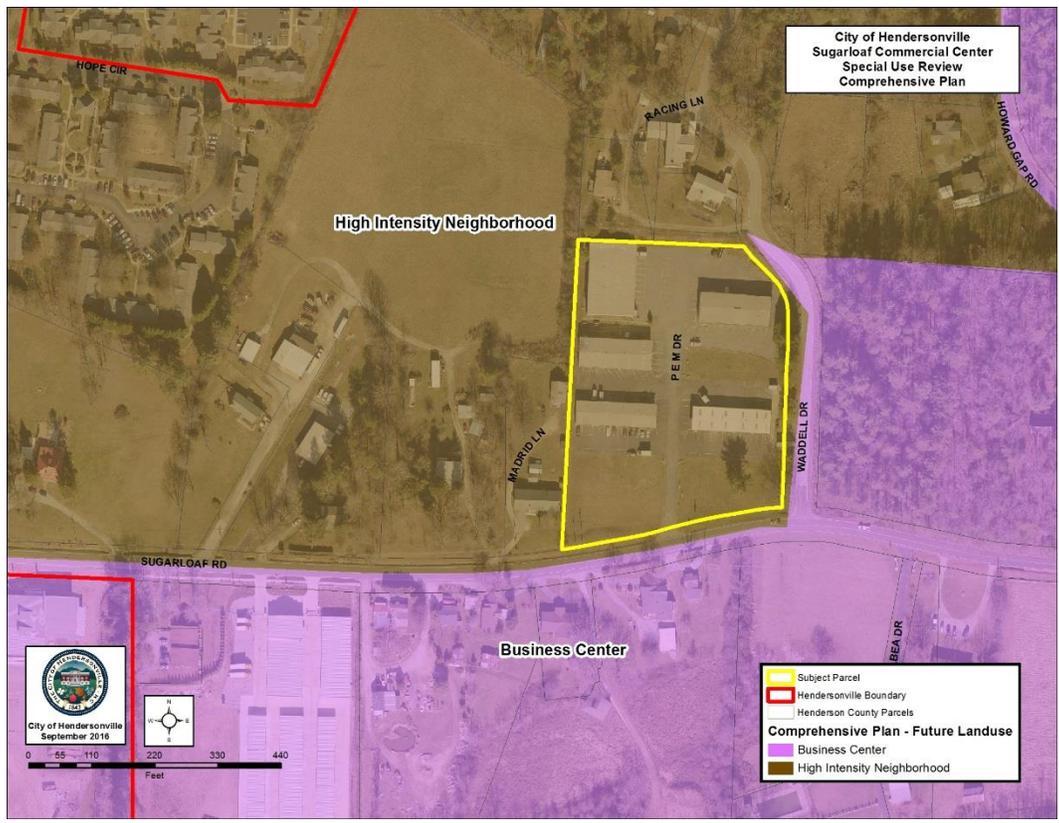
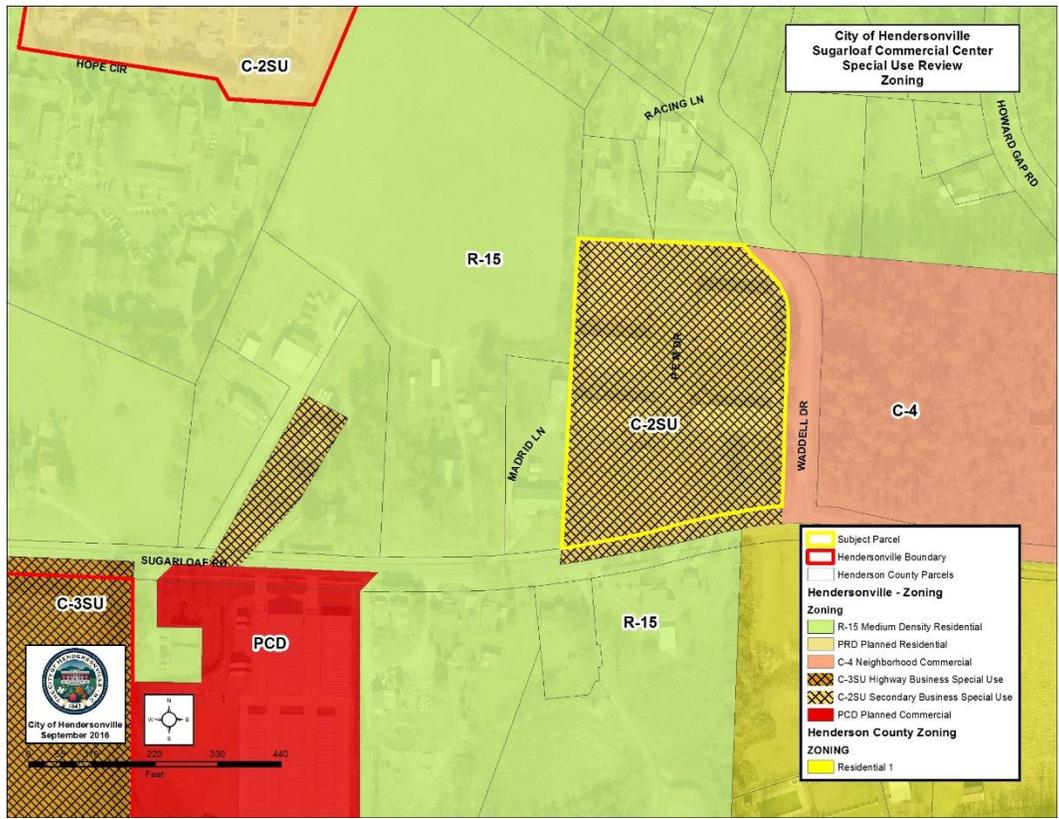
Mr. Hazzard opened the meeting explaining this is an amendment to their Special Use Permit. It is a three step process to amend the Special Use Permit. It will go before the Planning Board on October 10, 2016 and then City Council on November 3, 2016. This is an informal discussion to get feedback from the adjacent property owners. All adjacent property owners will be notified of the Planning Board and City Council meetings.

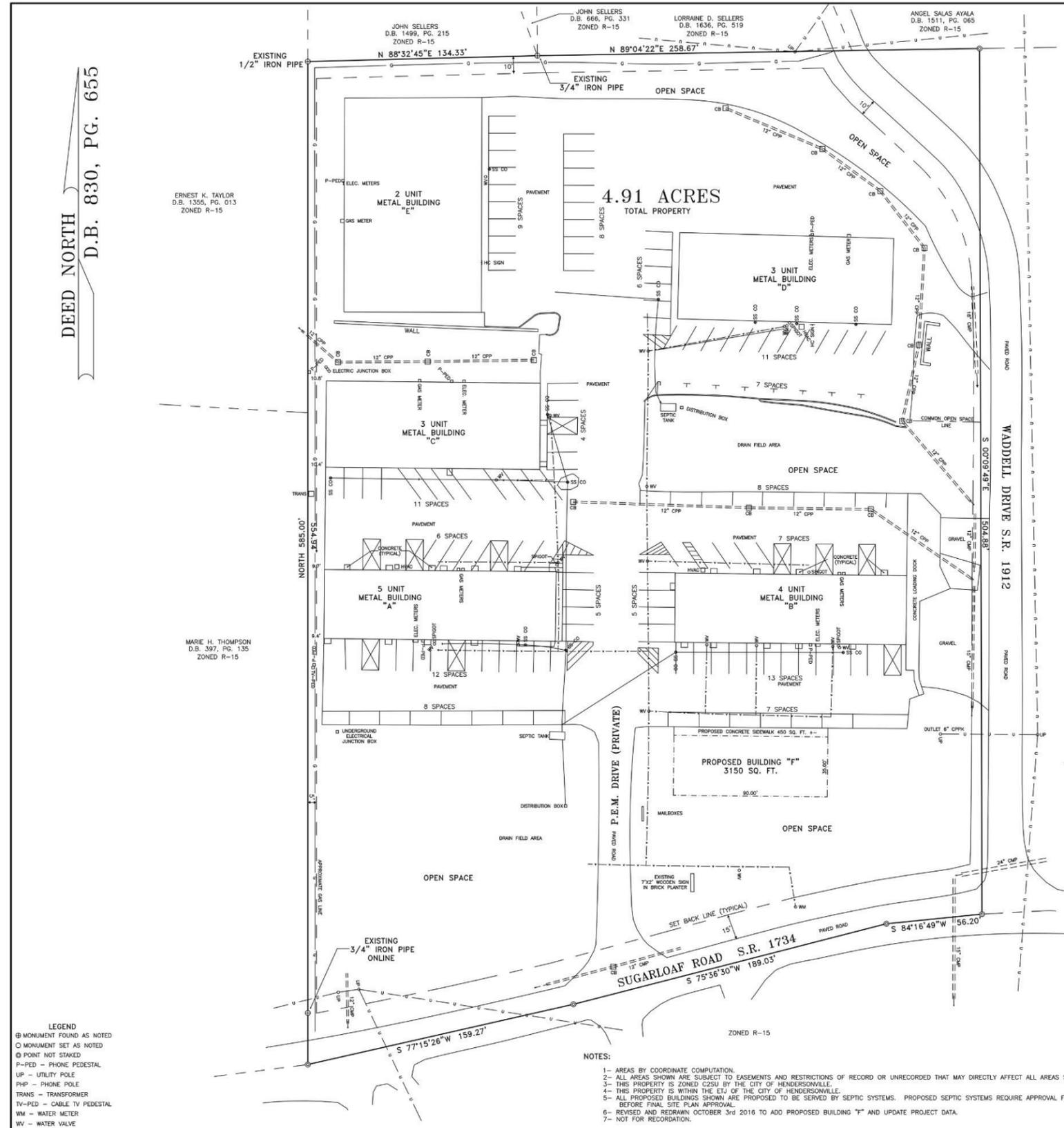
There are currently five existing buildings on the Sugarloaf Commercial Center site. They plan to add another building that is 3,150 square feet. This building will be added to the south end of the lot.

The applicant will need to meet the parking requirements for whatever use they decide for the building. Staff will work with the applicant on the parking requirements.

With no further comments or questions, Mr. Hazzard closed the meeting at 2:03 p.m.







PLAT OF SURVEY  
 FOR  
 SUGARLOAF COMMERCIAL CENTER  
 PHASE 3  
 SITE PLAN

OWNER/DEVELOPER: ATHA PLAZA, INC.  
 D.B.A. SUGARLOAF COMMERCIAL CENTER

HENDERSONVILLE TOWNSHIP  
 HENDERSON COUNTY  
 NORTH CAROLINA

SCALE: 1" = 30'  
 OCTOBER 3rd, 2016

BUILDING USAGE SUMMARY

BUILDING	ADDRESS	EMPLOYEES	APPROX. SQ. FT.	REQUIRED PARKING
BUILDING A				
FRIG AUTO (REPAIR)	37 PEM DR.	1	2100	8
SMART REPAIR	33 PEM DR.	1	1000	5
LOS LAURALES MEXICAN STORE	35 PEM DR.	1	1600	8
COMMERCIAL CENTER OFFICE	29 PEM DR.	1	500	2
BUILDING B				
TRAWA TIRE STORE	28 PEM DR.	2	1600	7
ERICK NATAREN (GRANITE)	32 PEM DR.	1	1000	1
HERSHEY'S ICE CREAM (OFFICE)	36 PEM DR.	2	1200	3
DR. DING (AUTO DENT REMOVAL)	34 PEM DR.	1	1600	7
BUILDING C				
LARRY BARBER (OFFICE)	51 PEM DR.	0	2500	7
APPLE COUNTRY WOODCRAFTERS	55 PEM DR.	0	3750	5
BUILDING D				
MOUNTAIN VIEW SIDING	72 PEM DR.	2	2250	1
LOGAN WOODWORKS	78 PEM DR.	1	1250	1
LORES SEWING SHOP	74 PEM DR.	1	2750	1
BUILDING E				
AIRBORNE GYM	85 PEM DR.	3	10000	50
BUILDING F				
COMMERCIAL RENTAL			3150	13
				TOTAL REQUIRED
				119
				TOTAL EXISTING
				127

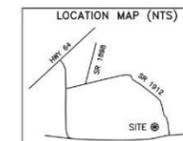
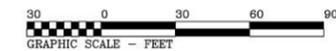
PROJECT SUMMARY

TOTAL PROJECT AREA - 213790 FT<sup>2</sup>  
 TOTAL BUILDING AREA - 36450 FT<sup>2</sup> - 17%  
 OPEN SPACE AREA - 84095 FT<sup>2</sup> - 40%  
 ROADS/PARKING AREA - 91153 FT<sup>2</sup> - 43%

UNCERTIFIED ELECTRONIC COPY

I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES) that the boundaries not surveyed are clearly indicated as drawn from information found in Book SEE, page SHOWN; that the ratio of precision as calculated is 1:10000; that this plat meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).  
 Witness my original signature, registration number and seal this 3rd day of OCTOBER, A.D., 2016.

David H. Hill, NCPLS L-3863



DEED REFERENCES:  
 D.B. 1668, PG. 173

TAX REFERENCES:  
 9579-86-0329

PARTY CHIEF: DHH

REVISIONS:

SURVEY BY  
 HILL AND ASSOCIATES  
 SURVEYORS, P.A.  
 LICENSE NUMBER: C-1991  
 DAVID H. HILL  
 N.C.P.L.S. 3863  
 403 WEST BLUE RIDGE ROAD  
 EAST FLAT ROCK, NORTH CAROLINA 28726  
 (828) 693-1409

CHECKED BY: DHH DRAWING: 2009702  
 DATE: OCTOBER 3rd, 2016 DRAWN BY: DHH FILE: 20097

LEGEND  
 @ MONUMENT FOUND AS NOTED  
 O MONUMENT SET AS NOTED  
 @ POINT NOT STAKED  
 P-PED - PHONE PEDESTAL  
 UP - UTILITY POLE  
 PHP - PHONE POLE  
 TRANS - TRANSFORMER  
 TV-PED - CABLE TV PEDESTAL  
 WM - WATER METER  
 WV - WATER VALVE

NOTES:  
 1- AREAS BY COORDINATE COMPUTATION.  
 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.  
 3- THIS PROPERTY IS ZONED C2SU BY THE CITY OF HENDERSONVILLE.  
 4- THIS PROPERTY IS WITHIN THE EU OF THE CITY OF HENDERSONVILLE.  
 5- ALL PROPOSED BUILDINGS SHOWN ARE PROPOSED TO BE SERVED BY SEPTIC SYSTEMS. PROPOSED SEPTIC SYSTEMS REQUIRE APPROVAL FROM COUNTY HEALTH DEPARTMENT BEFORE FINAL SITE PLAN APPROVAL.  
 6- REVISED AND REDRAWN OCTOBER 3rd 2016 TO ADD PROPOSED BUILDING "F" AND UPDATE PROJECT DATA.  
 7- NOT FOR RECORDATION.

## **APPEAL OF DEVELOPMENT DECISIONS**

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

**Section 7-13-2 (b): Preliminary site plans.** Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

**Section 7-13-2 (d): Special use review.** Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

### **§ 160A-364.1. Statute of limitations.**

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)